

0551

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Halpen, David

**DATE:**

04/14/93



4720

Witnesses:

Rebecca Cotes  
C. J. McCarty

Counsel,

Filed

day of

1893

Pleads,

May 17

THE PEOPLE

vs.

David Sullivan

Wm. H. Sullivan

Burglary in the second degree.  
[Section 107 of Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Frank A. Sullivan

May 17 1893

Foreman.

Heard Guilty

Elmira C. Sullivan



THE PEOPLE,

COURT OF GENERAL SESSIONS, PART 1.

vs.

BEFORE JUDGE MARTINE.

DAVID HALPEN.

Thursday, April 20th, 1893.

Indictment for BURGLARY, in the SECOND DEGREE.

A Jury was empanelled and sworn.

REBECCA PROTES, sworn and examined, testified:

I live at 140 Monroe street, New York, one flight up. There may be twenty families in the house. I live there with my husband and family. There are two doors from the hall to my apartments, one to the kitchen and one to the bed-room. On the 11th of April last did you see this defendant on the second floor of 140 Monroe street? Yes; I saw him trying to open my door. I heard him unlock the door; I was in the kitchen, which is right next to the room where he tried to open the door. Was the door leading into the hall from the kitchen closed? It was closed, but not locked. I was sitting in the kitchen; I opened the door and went out in the hall, and when I came out into the hall I saw this man trying to open the door. When he saw me he pulled the key out from the lock, and he ran away. I ran after him and caught him. I asked him what he was doing at my door. He said he went to look for a man. I asked him what the name of the man was, and he said Goldstein. I told him there was no man of the name of Goldstein living there; he did not say anything to that. Then I said, "I will have you arrested; I will call for a policeman." He said, "You go for a policeman, and you will pay for it afterward." I did bring in a policeman.

CROSS EXAMINATION:

What time of day was this? In the morning, about ten o'clock.

I did not make any noise when I opened my door, I opened it very slowly, and looked out. The door is near the stairs. When you opened the door was this defendant standing up or kneeling down? He was not kneeling, but he was stooping and trying to open the door. I saw when he had the key in the lock, and as soon as he saw me he pulled the key out. I saw the key when he pulled it out. I made an affidavit in the Police Court; a paper was not read to me; there was some one said something, in English, but I didn't know what he meant. I was asked there if I saw the defendant with a key in his hand, and I said, "Yes, I saw it." How far up stairs did the boy run after you saw him? To the third floor; I caught him one flight above me. Did anybody see you catch him up there? Yes, several persons were there; there is a witness here that saw him when I caught him; he was running. The name of the other witness is Rebecca Rosenthal.

ANDREW MCCARTHY, sworn and examined, testified:

I am an officer of the 7th precinct, and know the premises 140 Monroe street, in the 7th ward. On the 11th of April I was in the station house, and there was a complaint came to the station house, and I went to 140 Monroe street, and found the defendant and the complainant there. When I came there the woman had a hold of this young man, on the second floor. I asked her what the trouble was, and she said the young man tried to get into her apartments. The conversation was all through an interpreter. I asked her if she would make a complaint, and she said she would. I brought him to the station house, and she said there, in his presence, that he had a key trying to get into her apartments; and he denied that

he had; he said he did not have any key. I searched him, and he had six keys on his person. (The witness produces the keys.) I asked him where he worked, and he said he worked in 19 Monroe street, at pants making. I went to No. 19 Monroe street, and I found it to be a tenement house. He said he lived in 121 Henry street. I went to 121 Henry street, where he said he lived. I made inquiry for him there, and found out that he did not live there. I afterwards took these keys that I found on the defendant to 140 Monroe street, and with one of those keys I could open the lock of the door.

#### CROSS EXAMINATION:

I do not speak German. I asked the defendant if he was ever arrested before, and he said no. I found his sister lived at 121 Henry street. The defendant said he had come there to find a man. When I got there he was standing there quietly, and making no effort to escape; there was one woman had a hold of him, and I don't know who the others were that were around him, but there was quite a number there.

#### REBECCA ROSENTHAL, sworn and examined, testified:

I live at 140 Monroe street, and have lived there for four years. I remember the 11th of this month. I saw the defendant in the house. I heard a terrible noise, a woman shouted, "Stop thief!" and I ran out. It was Mrs. Protes Just as I ran out she held him. That was on my floor. He ran up one stairs higher, and he was caught on the third floor. The defendant said he was looking for a man in the house. I asked him what was the name of the party, and he said Goldstein. I said, "There is no man of the name of Goldstein in the house." I ran out for an officer and brought him in, and

he took the defendant to the station house. I went to the court. He asked Mrs. Protes to let him go, but she would not. Did he say any other name, beside Goldstein? I says, "There is no Goldstein in the house," and then he said, "Well, Maurice?"

#### THE CASE FOR THE DEFENCE.

DAVID HALPEN, THE DEFENDANT, sworn and examined, testified: I am nineteen years old, was born in Russia, and have been in this country five years. I have worked in lots of places since I came here. The last place was in New Haven; I was working in a lock factory there. I came to New York about two months ago, and lived with my sister, at 121 Henry street. I was working down at 19 Monroe street, with a tailor on the second floor, up stairs; his name is Goldstein. I could not tell the names of the other people I was working for. On the 11th of April, the day that you were arrested, what were you doing in that house? I was looking for a man up there, for Maurice Goldstein. I went up in that house and was looking for Maurice Goldstein. I went up on the top floor, and I knocked at the door, and the woman told me, "It ain't here; it might be the next house." So when I came down from up stairs I saw a man running down stairs, and that woman (the complainant) ran out after that man, and then, when I came down on her floor, she grabbed me, and she made a charge against me that I was a thief. She asked me, "What are you doing in that house?" I says, "I am looking for a man of the name of Morris Goldstein." She says, "It ain't here." So then she sent down a woman to get an officer. I says, "All right, go down and get him, and I will wait for the officer." The officer came up stairs, and then the of-

ficer asked her if she wanted to make a charge against me, and she said, "Yes." He took me down to the Madison street station house, and then he took me to Essex Market and made a charge against me, that I was a thief. What about these keys? The keys belong in my house, where I live with my sister. One is a trunk key, and one is a door key, and one belongs in the hallway, and there is another one belongs to the bed-room. When the officer asked you if you had any keys, did you say you had them or didn't have them? I did say I had them. I told the officer where I lived, and I told him I worked at 19 Monroe street. I was working there for a couple of months. You had no intention of robbing or stealing from anybody when you went into that building? No. Did you put the key in the door? No, I did not. During the five years that you have been in this country, have you ever been arrested or convicted of any crime at all? I never was. You do not know that complainant? No. You never were in that house before? Never.

#### CROSS EXAMINATION:

You say that you saw a woman running after a man, and you saw the man running? Yes. When I came to this country I went to work in 52nd street and 7th avenue, for a tailor. I worked there for about three months, and from there I went to another place, and worked about a month, tailoring all the time; and after that I went to New Haven and worked for a lock factory two months and then I came back to New York. When I came back to New York I was looking for a job. I went to New Haven last summer; I returned to New York in February. I have been staying with my sister all the time. My sister's name is Mrs. Sulman. I went to her house on the 10th of April.

When I came back from New Haven to New York I was living in No. 70 Third street. I worked for one week in 52nd street, for Mr. Solomon, in April, after I went to my sister's. I could not tell you the man's name that I lived with in No. 70 Third street. I worked a week for Mr. Solomon and got six dollars. I did not pay any board at 70 Third street, except lodging. I ate in a restaurant. I got those keys on my sister's table, and put them in my pocket.

BY THE COURT: When you found those keys lying on the table, were they all tied together, or were they loose? They were lying loose. When I went into this house, looking for this man, the door was open. I met nobody in the hall when I got in. I went away on the top floor looking for him. I met a man in the hallway, with a black mustache, and I said to him, "This man might live on the top floor." I knocked at the door, and the woman answered me, and she told me he was not there, and I went down stairs one flight. I saw the man running down stairs, and he was ahead of me. I could not tell you what kind of a looking man he was. When I got down stairs that woman grabbed me and made a charge against me. Didn't you hear her say that you ran up stairs? Yes, I heard her say so, but that is a lie. And that she saw you take the key out of the door? That is a lie, too; I heard her say so. I did not run up stairs; I heard her say so, but that ain't true. Didn't you say to Mrs. Protes, "If you call a policeman, you will pay for it"? I didn't say, "You will pay for it." I heard her say so, but that is not true. There is a man of the name of Lewin lives on the top floor of my sister's house. You can write; can you? Yes, a little but, not much. You signed that; that is your signature (point-



ing to the Police Court examination)? Yes. Where were you born? Russia; my true name is David Halpen; my father and mother are in Russia. I have a brother and sister here; my brother is in New Haven, and his name is Max Halpen.

SAM LEVINE, sworn and examined, testified:

I know this defendant, and his reputation for honesty is good.

#### REBUTTING EVIDENCE.

OFFICER MCCARTHY, recalled by the District Attorney:

Since the adjournment, have you, according to instructions, gone to 121 Henry street? Yes. You found there the sister of this defendant, and the husband, and the daughter of the janitress of that building? Yes. Did you, in the presence of those people, try this key, identified as the hall key of the premises 121 Henry street? I did; it would not go into the key-hole. Did you try these other two keys, said to be the keys to open the bed-room and door-lock of his premises at that house? I did. Tell the jury what you found? The small key will go into the upper lock, but it won't open the door; but when the door is opened it will turn it on top. Also this key will turn the top latch on the inside, but it won't turn it all the way.

ANN FUNARIA, sworn and examined, testified:

I live at 121 Henry street; my mother is the janitor of that building. I was present when the officer visited those premises. I saw him try the keys on the door. The larger one of these keys would not open any door. We have a front hall door to those premises. The key now shown me does not lock

like the key of the front door. The key I now hand you is the key of the hall door of those premises.

SAM SHULAMN, sworn and examined, testified:

I am married to the sister of this defendant, and live at 121 Henry street, on the top floor, and have lived there since the 7th of June last. This defendant visited those premises since the 7th of June, I cannot exactly remember the day, about October, immediately after the Jewish holiday. He remained about four or five weeks. I have not seen him since he left. I slept in those apartments every night, and my wife with me. This is the key (producing it) which opens the top latch on the door. The key now shown me would not open the door. I was not present when the officer tried the keys that afternoon. Did you ever see the keys now shown you in your apartment? No.

BY COUNSEL: You will not swear positively, will you, those keys have not been on the table in your apartment? No, I never saw those keys. When did you last see this young man? I saw him the day after the Jewish holiday; he was with me; that was the month of January, I have not seen him since January. He works steadily at clothes. Did you ever know him to work at locks? He went to work at locks in New Haven, Connecticut. He worked at clothes the time I knew him, in Broome street.

SARAH SHULMAN, sworn and examined, testified:

None of the keys now shown me belong to me, but one of the keys partly opens one of the doors. I never saw those keys before to-day. The defendant is my brother, and last year he lived with me, it was the beginning of the winter, after

the Jewish holiday. He told me he would leave the city after that. Did he ever sleep in your house since October last, when he went away? No; this winter he did not sleep in our house.

The defendant withdrew his plea of Not Guilty, and PLEADED GUILTY.

He was sent to the Elmira Reformatory.

0562

Testimony in the case  
David Halpern

Filed

28 V<sub>2</sub>  
April/93

28 V2

0563

Police Court—3<sup>rd</sup> District.City and County } ss.:  
of New York, }

Rebecca Protes  
of No. 140 Monroe Street, aged 29 years,  
occupation Keephouse being duly sworn

deposes and says, that the premises No. 140 Monroe Street, 7<sup>th</sup> Ward  
in the City and County aforesaid the said being a tenement; apartment  
on second floor of  
and which was occupied by deponent as a dwelling  
and in which there was at the time a human being, by name deponent

attempted to be  
were **BUGGLARIOUSLY** entered by means of forcibly inserting a key  
into the lock fastening the front  
door leading to said apartment

on the 11<sup>th</sup> day of April 1888 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz: with intent  
to commit some crime therein

the property of

and deponent further says, that she has great cause to believe, and does believe, that the aforesaid  
**BUGGLARY** was committed with intent and the aforesaid property taken, stolen, and carried away, by

David Halpern (now here)

for the reasons following, to wit: that the door leading  
to said apartment was securely  
locked and fastened and personal  
property was therein. Deponent was  
in an adjoining bed room and heard  
someone insert a key into the lock  
and unlock the door. Deponent opened  
the rear door and found the  
defendant at said front door and

upon seeing deponent run up stairs  
to escape  
Sworn to before me  
this 11<sup>th</sup> April 1893

Rebecca Protos

Charles N. Linter  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 188  
Police Justice.  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 188  
Police Justice.  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 188  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

vs.

1.  
2.  
3.  
4.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

§ to answer General Sessions.



0565

Sec. 198—200.

District Police Court.

1882

City and County of New York, ss:

*David Halpern* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is h right to make a statement in relation to the charge against h ; that the statement is designed to enable h , if he see fit, to answer the charge and explain the facts alleged against h ; that he is at liberty to waive making a statement, and that h waiver cannot be used against h on the trial.

Question. What is your name?

Answer.

*David Halpern.*

Question. How old are you?

Answer.

*14 years*

Question. Where were you born?

Answer.

*Russia*

Question. Where do you live, and how long have you resided there?

Answer.

*121 Henry St.*

Question. What is your business or profession?

Answer.

*Tailor*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer.

*I am not guilty**David Halpern,*

Taken before me this

day of

1893

*Charles J. Smith*

Police Justice.

0566

It appearing to me by the within depositions and statements that the crime ~~therein~~ mentioned has been committed, and that there is sufficient cause to believe the within named W. J. Paul

ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, April 17 1893 Charles N. Smith Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

056

Police Court---

2404  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Rebecca Rites*  
*140 Monroe*  
*David Halpau*

2  
3  
4

*Offense*  
*At 444 Madison St.*

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

Dated, *Apr. 11* 189*3*

*Samuel* Magistrate.  
*A. McIntyre* Officer.

Precinct.

Witnesses

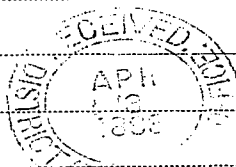
No. *Rebecca Rosenthal* Street.

*140 Monroe St*

No. Street.

No. Street.

\$ *1000* to answer



*W*

*at 444 Madison St.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*David Halpern*

The Grand Jury of the City and County of New York, by this indictment, accuse

*David Halpern*  
of attempting to commit the crime  
of the CRIME OF BURGLARY in the *second* degree, committed as follows:

The said *David Halpern*

late of the *7th* Ward of the City of New York, in the County of New York aforesaid, on the  
*eleventh* day of *April* in the year of our Lord one  
thousand eight hundred and ninety-*three* in the *day* -time of the same day, at the  
Ward, City and County aforesaid, the dwelling house of one *Rebecca Prates*

*attempt to*  
there situate, feloniously and burglariously did break into and enter, there being then and there a  
human being within the said dwelling house, with intent to commit some crime therein, to wit: the  
goods, chattels and personal property of the said *Rebecca Prates*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,  
take and carry away,

against the form of the statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

*De Lancey Nicoll,*  
*District Attorney*

0569

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Harkness, John

**DATE:**

04/10/93



4720



Witnesses:

Chas. M. Schilling  
Off Haulon

Counsel,

Filed

Pleads,

1893

THE PEOPLE

vs. *John Harkness*

Grand Larceny,  
(From the Person.)  
[Sections 828, 829,  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

*April 26<sup>th</sup> 1893*

A TRUE BILL.

*Paul Doyle*  
Foreman.

*May 5, 1893*

*Paul 3. May 1893*

*ind and convicted*

*May 15/93 3 yrs 8 m 17.*





(2)

Greenpoint with me. We went over to Greenpoint. When we reached there, we went into a saloon to have a glass of beer. I then asked him around to my place of business, which was only a block away. I went around there, and I went into a watercloset. I was in a somewhat dazed condition in the place, and as I came to, I found this man over me, with one hand on my shoulder and the other hand at my pocket. I got up and adjusted my dress. I went outside, and I missed my watch. At the time I went into the watercloset I am sure I had my watch on. It was a gold watch, and cost me \$73. The chain was rolled gold, and cost me \$6. I accused the defendant of taking the watch, and he said he hadn't got it. I said, You certainly have got it, because I had it when I went into the closet. He said, "You must have left it downtown." I said, "All right. Let us go out." We went out, and went to a saloon and had another drink. When we came out the defendant said, "Let us go to New York." I said, "All right." He told me he had a room at 12th Street and 4th Avenue, and that we could go to his room. We went over on the 23rd Street ferryboat. The boat was crowded. Two-thirds of the distance across the river I felt sick at the stomach, and I went out at the front part of the boat to vomit. When I came back the defendant was not in the cabin where I left him, and I did not see him again until the day he was arrested. I went to a police officer and had him arrested. He denied having taken my watch. The officer took him down as far as 8th Street and 4th Avenue, when the defendant said, "I will get your watch for you, if you don't

(3)

get me into trouble." The officer asked him where it was, and he said, at the Emerald Hotel; that he sold it to a man by the name of Allen, on the same night. We went to the station-house, and the defendant was placed under arrest.

C r o s - E x a m i n a t i o n .

I had been drinking considerably at the party on that evening, but was not very much under the influence of liquor. I knew everything that I was doing. I came over on the Roosevelt Street Ferry first, and I went to see several friends of mine. I spent about four hours doing that. I met the defendant by chance. I had never known him before. I did not sleep any on Saturday night. I was up all night at this party, and when I got through at the party I came to New York, and went from saloon to saloon, during the night. It was 10 o'clock, the following morning, when I met this defendant on Third Avenue. I took him to my place of business, over in Brooklyn, and showed him some of my work.

\*\*\*\*\*

JOHN FARLEY, a witness for The People, sworn testified: I am a police officer, attached to the 15th Precinct. On the evening of the 3rd of April, a little after 5 o'clock, my attention was called to the defendant, by the complainant, Schilling. I was on 14th Street, between Broadway and 4th Avenue. I saw the defendant walking down 4th Avenue, and I placed him under arrest. I asked Mr. Schilling if he was positive about this man, and he said yes. He had previously given me his description. We

(4)

walked to the corner. The man had then left. I jumped on a 4th Avenue car, and told Mr. Schilling to walk down as far as 10th Street. As soon as I saw the defendant, I jumped off the car and placed him under arrest. When Mr. Schilling came along the defendant put out his hand, and offered to shake hands with him. Mr. Schilling would not shake hands with him, but accused him of taking his watch. The defendant denied it. We walked then as far as 8th Street and 4th Avenue, when the defendant admitted taking the watch, but claimed he was drunk. He then said he would get the watch for the complainant if he would not make any trouble for him. The words he used were, "Now, if you will let me out of this, I will get your watch." Then I asked him where the watch was, and if he had the pawn ticket. He said, no; that a friend of his, named Allen, had bought it from him. He said that Allen was to be found at the Emerald Hotel. I asked the defendant why he took the watch, and he said that the complainant was so drunk that he did not know what he was doing. I went to the Emerald Hotel and ascertained that Mr. Allen was not there.

#### C r o s s - E x a m i n a t i o n .

The defendant did not tell me that the complainant gave him his watch.

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#### THE DEFENSE.

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JOHN HARKNESS, the Defendant, sworn, testified: I am a painter, and have been such for eight years. I am 25

(5)

years of age. I remember meeting Mr. Schilling, the complainant, in this case, on the day in question, at the intersection of 3rd and 4th Avenue. He came up and spoke to me, and invited me to go with him and have a drink. I accepted his invitation. We went into a saloon and had several drinks. Then we walked along and went into another saloon. The defendant then invited me to go to Greenpoint to see the shop where he worked. We went over on the 23rd Street Ferry. When we reached the other side, the complainant took me to a saloon, and we had a couple of drinks. Then he brought me to his workshop and showed me some patterns that he had been making. Then he got very familiar with me, and he unbuttoned my pants and was about to commit a crime against nature. I shoved him away, and he came and attempted it again. Then he walked towards this watercloset and went in there. I waited on the outside. I asked him if he would open the door and let me get out. Then he made another attempt. I told him if he did not open the door, I would certainly tell a policeman. He got frightened. I intended telling a policeman of his attempt to commit a crime against nature. When he was frightened he said he had no money to give me, but he says, "I will make you a present of this watch, if you never repeat what was done here to-day." I didn't ask him for any money, but he gave me his watch voluntarily. Then he opened the door, and we went out. We went down to the 23rd Street Ferry, and crossed over to New York. During the trip over he got sick and went out to the front of the boat, and I missed him after that. I

(6)

did not see him again until the day I was arrested. In the meantime, I had disposed of the watch at the Emerald Hotel, to a friend of mine, by the name of Allen, for the sum of \$10. I did not steal the watch. The complainant gave it to me of his own free will and accord.

C r o s s - E x a m i n a t i o n .

I had no money at the time I sold this watch for \$10. It is the truth when I say to this Jury that the complainant attempted to commit a crime against nature upon me. I did not have him arrested. I accepted this watch as a present for agreeing not to make any mention of what had transpired between us. I work steadily at painting.

-----  
(The Jury returned a verdict of Guilty of Grand Larceny in the Second Degree.)

////////////////////



LAW OFFICE OF  
LOUIS E. SALMON,  
160 BROADWAY,

New York, ..... 189

State of Massachusetts, } 55  
City of Boston

Wright Huntington being duly sworn, deposes and says: that he is an actor by profession, and is now following the same; that he has been acquainted with John Harkness for the past years, & that his occupation is scenic painter, as well as property man; that ~~he~~ <sup>the said Harkness</sup> has always borne a good character for honesty, his one fault being love of drink; that deponent has never known him to be guilty of a dishonest or immoral act, and sincerely hopes the Honorable Court will extend to him whatever clemency it is in the Court's power to bestow.

Sworn to before me } (sign)  
this May 13<sup>th</sup> 1892 } Wright Huntington  
s.s. Suppott

S. Foster Ransom.

Justice of the Peace.

0578

Police Court 2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

Charles M. Schilling  
 of No. 433 Bedford Avenue, Brooklyn, aged 47 years,  
 occupation pattern-maker being duly sworn,  
 deposes and says, that on the 12 day of March 1893 at the City of  
 New York, in the County of New York, was feloniously taken, stolen and carried away  
 from the possession of deponent, in the day time, the following property, viz:

One gold watch and one rolled-gold chain,  
together of the value of Seventy-five Dollars

\$75.00  
100

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect that the said property was feloniously taken, stolen and carried away by John Harkness (nowhen)

from the fact, that, on the aforesaid date, defendant was in deponent's company, deponent having said property in his possession; that, after having been together from 9 A.M. till 4 P.M. on said date deponent missed said property and defendant has since admitted deponent in presence of Officer Hauler of the 15<sup>th</sup> Precinct Police that he had stolen, taken and carried away the same and deponent therefore prays that defendant may be dealt with according to law

Charles M. Schilling

Sworn to before me, this

of

April1893at New York Police Justice.

0579

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss.

District Police Court.

*John Harness*

being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him, that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *John Harness*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Canada*

Question. Where do you live, and how long have you resided there?

Answer. *214-4- Ave - 2 weeks*

Question. What is your business or profession?

Answer. *painter*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am not guilty, the property was given to me by the complainant**John Harness*

Taken before me this

day of

1887

Police Justice.

0580

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated April 11 18 93 Thos. H. Brady Police Justice.

I have admitted the above-named to bail to answer by the undertaking hereto annexed.

Dated 18 Police Justice.

There being no sufficient cause to believe the within named guilty of the offence within mentioned. I order he to be discharged.

Dated 18 Police Justice.



058

389

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Charles W. Schilling*  
*433 Bedford Ave*  
*Brooklyn*  
*John Haddock*

*Larceny from the person*  
Offense

2  
3  
4

Dated *April 4* 188*9*

*Magistrate.*  
*Farley & Haulen* Officer.

*15* Precinct.

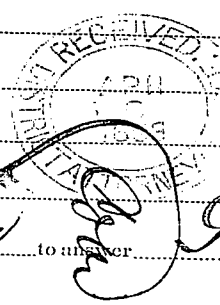
Witnesses *Call the officer*

No. Street.

No. Street.

No. Street.

\$ *5.00* to and over *9.00*



*9.00*  
*12*  
*10*

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0582

**Court of General Sessions of the Peace**  
**OF THE CITY AND COUNTY OF NEW YORK.**

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Harkness*

The Grand Jury of the City and County of New York, by this indictment, accuse

*John Harkness*

of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said

*John Harkness*

late of the City of New York, in the County of New York aforesaid, on the *12th* day of *March* in the year of our Lord one thousand eight hundred and ninety-*three*, in the *day* time of the said day, at the City and County aforesaid, with force and arms,

*one watch of the value of sixty dollars, and one chain of the value of fifteen dollars*

*[Signature]*

of the goods, chattels and personal property of one *Charles M. Schilling* on the person of the said *Charles M. Schilling* then and there being found, from the person of the said *Charles M. Schilling* then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.



## SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*John Harkness*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

*John Harkness*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

*one watch of the value of  
sixty dollars and one chain of  
the value of fifteen dollars*

of the goods, chattels and personal property of one

*Charles M. Schilling*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

*Charles M. Schilling*

unlawfully and unjustly, did feloniously receive and have; the said

*John Harkness*  
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*

0584

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Harper, Noah

**DATE:**

04/10/93



4720

Witnesses:

*Officer*

Counsel,

Filed

day of

Pleads,

THE PEOPLE

vs.

*D*

*Hoar Harper*

Assault in the Third Degree.  
(Section 219, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*James Dwyer*  
Foreman.

*April 17/93*

*Fred W. [unclear]*

*100*

*Chambers*

PHILLIPS &amp; MOWER, 82 Nassau St., N. Y.

## STENOGRAPHER'S MINUTES.

Court of General Sessions.  
Part IThe People  
vs.  
Noah Harper

BEFORE

His Honor Judge Martine

April

1893

## WITNESSES.

Henry Walsh  
Noah Harper

Direct.

Cross.

Re-Direct.

Re-Cross.

1

5

11

THE PEOPLE,

COURT OF GENERAL SESSIONS, PART 1.

vs.

BEFORE JUDGE MARTINE.

NOAH HARPER.

Monday, April 17, 1893.

Indictment for ASSAULT in the THIRD DEGREE.

Assistant District Attorney Macdonna, for The People.

Mr. L. S. Chanler, for the Defence.

A Jury was empanelled and sworn.

HENRY WALSH, sworn, and examined by Mr. Macdonna:

Q. Officer Walsh, what precinct are you attached to?

A. The Ninth.

Q. What precinct were you attached to on the 3rd of April?

A. The Ninth.

Q. What beat did you have on the Ninth?

A. Bleecker street.

Q. What tour of duty?

A. On the hours from twelve to six in the morning.

Q. During that tour of your duty, between five and six o'clock, did you see this defendant on your post?

A. Yes, sir.

Q. Where, first?

A. At the first I saw him to the south of Morton street, coming towards Leroy; I was on the east side, a little below Cornelia street, when I saw him first.

Q. Did you follow him? A. No, he was coming south.

Q. You were dressed in full uniform? A. Yes, sir.

Q. your shield out, buttons on the coat, and a policeman's hat on your head?

A. Yes, sir; and I saw him going along looking up to the windows and doors, and he passed along the street. I thought that the grip sack looked

kind of suspicious, and I went over and asked him-----

(Objected to.)

I went and asked him what he had in his grip sack; I followed him up across the street, and spoke to him.

By the Court:

Q. What time was this?

A. Between 5:00 and 5:30 in the morning.

Q. "I went up to him and said?"

A. And I asked him, I said what had he in his grip.

Q. "I said, 'What have you in your grip?'"

A. "What have you in your grip?"

Q. Well, now, what happened?

A. He said none of my damn business.

Q. What did you say then? A. I said, "You will have to come to the station house, and explain that there."

Q. What happened next? A. And he told me that I could go and fuck myself, and swung the grip on my face.

By Mr. Macdonna:

Q. Is this the grip that he had in his hand (showing hand-bag)?

A. That is the grip.

Q. Where did he hit you with that grip?

A. About the buckle.

Q. Where did he hit you?

A. He swung it up that way (showing), and caught me in the face; He had it in his hand in that manner, and let it go that way (showing).

Q. Is that your blood on that grip sack?

A. That is the blood from my face; he struck me on the left side, on my face.

Q. You took him to the station house?



A. I was taking him then to the station house.

Q. Where was this assault, in the street or in the station house?

A. This assault was on the street.

Q. You took him from there to the station house?

A. Yes, sir.

Q. What occurred in the station house, what did he say?

A. He told the sergeant that he had assaulted me, but he begged to let him go, that he wanted to go to No. 800 Washington street, Hoboken.

Q. Was he sober?

A. Yes, sir, I should judge so; I couldn't say that he was intoxicated.

By the Court:

Q. After you arrested him, you say you took him to the station house?

A. Yes, sir.

Q. Now, how far a distance did you have to go, what is the distance?

A. About eight or nine blocks.

Q. Did you take hold of him to take him to the station house?

A. Yes, sir.

Q. When he struck you with the bag did you do anything?

A. Yes, sir.

Q. What?

A. I had to use force and violence on him to try to bring him into submission.

Q. He struck you, and you struck back?

A. With my fist, I had my stick in my pocket, you know.

Q. Did you take the stick out?

A. No, not until we were going within -----

Q. We want you to describe everything that happened, from the time you came up to him -- you say he struck you with the bag, what next happened, what did you do?

A. I followed him, and he swung the bag three or four

times.

Q. when he struck you had he hold of you?

A. No.

Q. How near was he to you?

A. Within hand's distance;

I tried to hit him, and he swung the bag until he got in the middle of the street; I caught him by the neck, by the collar, in that manner (showing).

Q. What happened next?

A. I brought him about one block and I met my side-partner, I walked on the side-walk.

Q. Did he resist?

A. No.

Q. What did you say to him then?

A. I brought him one block; he said that he came down on the "Saugerties," from Glasgow, Ulster county, and he wanted me to let him go there, without ever giving me any information of what he had in his grip -- he refused to do it.

Q. Did you ask him again?

A. Yes, sir; I asked him again.

Q. I want to know all that transpired, if you struck him one or twenty blows -- I want to know that, I want to know just what the situation is?

A. I struck him one blow, in the street.

Q. Did you and he go to the station house?

A. Yes, sir.

Q. Did he go peaceably and quietly?

A. With the assistance of another officer.

Q. Was there any further necessity for violence, or was there any further use for violence on anybody's part, yours or your fellow officer or the defendant?

A. No, sir.

Q. So that there was no blows struck at all, except the blow that he struck you upon the face with the satchel, and the blow that you struck him, in the middle of the street; is that right?

A. That is right.

Q. You struck him with your fist?

A. Yes, sir.

Q. Where did you strike him?

A. In the mouth; those were the only two blows struck.

Q. Did you make any use of your club whatever?

A. No, sir.

Q. Was there any other conversation between you and this defendant on your way to the station house, covering these five blocks?

A. No, sir, only he said he was working for some man of the name of Mulford, Glasgow, I believe, in the ice business -- something to that effect. That was all -- that is all I recollect.

CROSS EXAMINATION:

By Mr. Chanler:

Q. Your recollection is not very perfect?

A. I should think so -- yes, it was perfect.

Q. That was about the end, the last hour of your duty; was it?

A. Yes, sir.

Q. Had you drank anything that morning at all?

A. No, sir.

Q. You don't drink? A. No drink at all.

By the Court:

Q. Do you mean to say you had taken no drink on that day, or that you don't drink at all?

A. No, not that morning.

By Mr. Chanler:

Q. You do drink?

A. Oh, yes.

Q. you have been on the force how long?

A. Going on seven years.

Q. How long have you been connected with the Ninth precinct?

A. All that time.

Q. You have been before the Police Commissioners several times during that time, too; haven't you?

A. Yes, sir.

Q. On charges of intoxication?

A. Never, sir.

Q. Not once?

A. No, sir.

Q. Not last year?

A. No, sir; nor any liquor store complaint either.

Q. This was on the corner of Morton and Bleecker street?

A. Between Leroy.

Q. The first conversation took place with the defendant?

A. No, near Leroy.

Q. You are sure it was not near Morton and Bleecker?

A. No, it was near Morton and Bleecker where the arrest was made.

Q. That was where the assault took place?

A. No, it was in the middle of the block, between Leroy and Morton, on Bleecker.

Q. You made a statement when you went to the station house that was written on the blotter?

A. Yes, sir.

Q. If the blotter says, "Assault, on Leroy and Bleecker street, struck the officer with a satchel"-----

A. We always call it the nearest corner to it.

Q. These dark marks on the satchel are from the blood of your

face?

A. Yes, sir.

Q. Not from the defendant's mouth?

A. No, sir, it was over my coat too.

Q. It must have been quite a severe blow?

A. It would have been -----

Q. Did it leave much of a scar?

A. Left none, only a little swelling and soreness.

Q. Did he make any violent threats when he came at you with that satchel and assaulted you?

A. None, only those words.

Q. What were those words?

A. It was none of my damn business; "You can go and fuck yourself."

Q. I thought you told us, on the direct examination, in answer to the questions put to you by the District Attorney, that when you met this defendant, you asked him, thinking his actions were suspicious -- you asked him what was in the satchel, and he said, "It is none of your God damn business?"

A. Yes, sir.

Q. Then you said, "I will arrest you," and then he made the remarks you so glibly quoted, and then it was that he assaulted you?

A. Yes, sir.

Q. When he struck you with the satchel he did not say anything?

A. No, only that one remark, when he swung the satchel.

Q. Let me see if I can refresh your recollection at all about some of the details of this occurrence. You have stated now everything that you recollect?

A. Everything.

Q. In answer to the questions put to you by the Court?

A. Yes, sir.

Q. Do you recollect the defendant saying "Good-morning" to

you?

A. No, sir.

Q. Do you mean to tell me that you walked up to this defendant, in broad day-light -- it was daylight?

A. Yes, sir; it was breaking day.

By the Court:

Q. What was the day of the month?

A. The 3rd of April.

By Mr. Chanler:

Q. You asked him what he had in that satchel?

A. Yes, sir; I asked him what he had in that satchel.

The Court: The sun rose at 5:38 that morning.

By Mr. Chanler:

Q. Didn't you ask him something about where he had been, or where he was going, before you arrested him --- did you have no other conversation?

A. None whatever.

Q. Did you ask him where he was from?

A. No, sir.

Q. That is the only excuse you have got for this whole thing?

A. Yes, sir.

Q. You have been on the police force seven years?

A. Yes, sir.

Q. Will you look at that affidavit and see if that is your signature (showing paper)?

A. Yes, sir; that is my signature.

Mr. Chanler: I offer those papers in evidence -- any objection?

Mr. Macdonna: No, I have no objection.

By Mr. Chanler:

Q. What was the name of your side partner?

A. Officer Delmage.



- Q. Is he in court? A. No, sir.
- Q. What sort of a looking man is Delmage?
- A. Kind of light complexion.
- Q. Any hair on his face? A. A small light mustache, very small -- stout.
- Q. Did he have on his full uniform at the time?
- A. Yes, sir; he was on patrol too.
- Q. Was he in full uniform?
- A. He was in full uniform, on patrol.
- Q. Did you see any other colored man upon the street, or in the neighborhood, that morning, conversing with the defendant?
- A. No, sir.
- Q. No bystanders interfered and said, "Officer, what are you beating that man for?"
- A. No, sir.
- Q. Not a man? A. Not one.
- Q. Did you knock that man's teeth down his throat?
- A. I don't remember.
- Q. Did you break his teeth?
- A. I know his lip was cut.
- Q. Was your hand cut at all? A. No.
- Q. Did you have thick gloves on? A. No, sir.
- Q. Have you the gloves in your possession?
- A. No, sir.
- Q. Was there blood on that glove? A. No.
- Q. No pieces of broken tooth fastened to the glove, or fastened to your club, either? A. No, sir.
- Q. Do you swear that you did not strike that man in the mouth with your club, and break his teeth ---you swear you did not?
- A. Yes, sir, I positively swear I did not.

By the Court:

Q. I understand you to say, Officer, you did not strike him with the club at all, either in the mouth or elsewhere?

A. No, sir, I didn't touch him at all.

By Mr. Chanler:

Q. Why did you strike him with your fist?

A. For the simple reason my club was handicapped, it was in my pocket.

Q. You have been in difficulties before with prisoners, have you not?

A. Yes, sir.

Q. You have had occasion, in making arrests, to delegate your club to enforce discipline; did you not?

A. Yes, sir.

Q. Heretofore you had no difficulty in finding the place where the club was?

A. I didn't use that club since I put it in the billy pocket; I had never used it only in two cases of burglary, in Leroy street -- that is the only time I ever used the club.

Q. Did he strike you violently two or three times?

A. Only once; it (the bag) caught me once.

Q. Was the bag in the same condition it is now (showing bag)?

A. Yes, sir.

Q. Give us some idea of the route that you took from the time that you arrested him, near the corner of Bleecker and Morton street, until you went to the police station -- I want to know what streets you went through?

A. Bleecker street, on the west side, from Morton to Charles, and through Charles from Bleecker to the station house.

Q. You went on Bleecker street to Charles?

A. On the west side of Bleecker up to Charles street.

Q. Tell us where it was you met your side-partner?

A. Morton street.

Q. Almost immediately after the arrest?

A. Yes, sir; almost.

Q. Do you think your side-partner saw you strike the defendant?

A. No, sir.

Q. Your side-partner didn't say, "Cheese it, get yourself away," did he?

A. No.

Q. This complaint has been dismissed by the Grand Jury once; hasn't it?

A. Yes, sir.

The Court: The Court will take judicial notice of that, because the Court sent this case back to the Grand Jury. There is no objection to its being stated as a fact, that it happened in this case.

Mr. Chanler: I wouldn't have done so unless it was on the papers.

Mr. Macdonna: That is the case.

#### THE CASE FOR THE DEFENCE.

Mr. Chanler: Your Honor, I will make a formal motion to instruct the jury to acquit.

The Court: That motion will be denied.

Mr. Chanler: Note an exception.

Mr. Chanler opened the case for the Defendant.

NOAH HARPER, sworn; and examined by Mr. Chanler:

Q. You live in Glasgow, Ulster county, New York?

A. Yes, sir; the town of Saugerties.

Q. You have been living up there some time?

A. Yes, sir.

Q. Now, what do you do for a living?

A. I am chef in a hotel.

Q. Chef in an hotel?

A. Yes, sir.

Q. you have been working since January last?

A. Yes, sir; for this proprietor, for A. Bensel, in Saugerties.

Q. Did you work for Mr. Mulford before that?

A. Yes, sir; I worked for Mr. Mulford also.

Q. On the 2nd of April you left Saugerties to come to New York?

A. Yes, sir, Sunday night.

Q. You came here to get married?

A. Yes, sir.

Q. You arrived in New York at five o'clock Monday morning?

A. Yes, sir.

Q. Tell us what happened from the time you first saw the police officer until you were arrested and taken to the police station?

A. As I landed at the foot of 12th street, I got off my boat and taken a start up 12th street -- I am a stranger here -----

By the Court:

Q. How long is it since you were in New York?

A. Only in New York three times in my life.

Q. When last before this time?

A. About the 15th of February; and the first was last September. I knew that I was on 12th street. There was a young man came up with me, and we parted -- a white man -- he lives in the same town that I live in, I knew him.

Q. You knew him to speak to?

A. Yes, sir. We came up, he works here somewhere with an ice-wagon. I judge that we walked about a block from

the dock, it might have been two, and he told me he must leave me now. We shook hands, and he congratulated me highly upon my new undertaking and wished me joy, and we parted, telling me, directing me as far as he could, where I wanted to go -- I wanted to go to 13 Manetta street -- and I left him and went on my way, counting the blocks along so that I would make no mistake, until I came to a number of blocks, and I saw, as he directed me, Bleecker street. He says, "When you get to Bleecker street turnup to the right," and he said, "any policeman will direct you where you want to go." I turned in Bleecker street, I judge that I had walked one block--I ain't sure if I didn't walk two -- and was about to commence another one when I "despied" this officer that I was arrested by, coming along. I saw him when he first turned the corner, I judge he turned the corner -- I was just about the end of the block, and he had his head hung down and his hands behind him, in a kind of stooped way, just moving, and I was walking much faster than him, because I had business to do that day -- I wanted to go to Brooklyn and to Hoboken. I was walking quite fast, I walked fast enough -- so much faster than him that I made about three-quarters of a block while he made one quarter, before I met him. I met him. I had on heavy rubbers, as you see; he didn't see me, he didn't discern me until I got pretty close to him. When he did discover that somebody was in front of him, he threw up his head and stopped. I walked right up to him, close to him; I says, "Good-morning." He didn't answer me good-morning, but he says, "Where are you going?" Well, I says, "I am going up to Manetta street." "Where did you come from?"

"I came from Saugerties." "What have you got in your satchel?" I says, "I have got a couple of collars in there, a couple of handkerchiefs, a pair of socks, a hair brush, combs, soap, and such little things as I use for my toilet." He said, "Ahem."

Q. Are you sure about that, that you told him you had those things in your bag?

A. Yes, sir, I am positive. And he says, he asked me right over again, "Where do you say you are going?" Well, I says, "Really the end of my destiny is Hoboken, that is where I am going." "Where did you say you came from?" "I came from Saugerties." "But where did you come from just now?" "I just got off the boat." "What boat?" "The Saugerties." "When did she land?" "She landed here this morning." He says, "There ain't no boat landed here this morning." Well, I says, "I just got off the boat." "Just now you told me you were going to Manetta street?" "Yes." "Now you say you are going -- then you told me you were going to Hoboken?" "Yes." "But then you told me you came from Saugerties?" "Yes." "Now you say you just got off the boat 'Saugerties?'" "Yes." "I think you are telling a damn lie," and as he said that he stepped up a little closer, "I have got a notion to take you to the station house." Well, I says, "I am a man just come from the country, a stranger here, I don't know any one here, I only know one man in this town and I don't know where he lives, I have got his card in my pocket," I says, "I think he will identify me." So I stood very close to him, and as he said, "I think you are a damn liar," I looked in his face and told him that I was a countryman, and I was a stranger here." So



when he said that I discovered that I kind of thought he was under the influence of alcohol--- the cut of his eye and the flash of his face indicated that to me.

Q. That is how he looked to you?

A. Yes, sir; and I spent twenty-five or thirty years around -----

(Objected to.)

Q. You say you believed it?

A. Yes, sir, I believed it. So I stood there a few seconds, and he didn't ask me to go with him, didn't attempt to take me in. I didn't like to turn right around and walk away from him. I had my overcoat on this arm and my satchel in that hand, and so I moved my feet around on the side-walk, kind of curtsied a little to get away from him decent like, I moved my feet, I stepped back a little, he stood looking at me, I turned and went my way and went past him in the direction in which I started.

Q. In the same direction in which you met him?

A. Yes, sir.

Q. That would take you up Bleeker street?

A. I was on Bleeker street. I kind of left him in a kind of gentlemanly way, I didn't like to turn and walk away from him. So I got off in this way, as I told you, I should judge about a quarter of a block -- I walked half a block and he stood about a quarter when I met him. I walked to the end of the block, and as I got to the end of the block I cast my eye up in front of me, I didn't think it was him, I forgot him, I had something else in my mind.

Q. Had anything attracted your attention?

A. Not at the present moment; when I cast my eye on him

I saw a colored gentleman on the opposite side of the street, not going across the street as people generally do, I got catcornered to him, he was going the way I was going, and he saw that I was making towards him, and he kind of looked up, you know.

Q. It was daylight by this time?

A. Oh, it was daylight before I met the officer.

Q. After five o'clock?

A. As near as I could get at it I think it was a little later than that. So, as I looked across the street, I cut to make for this colored man, with the intention that he might direct me where I wanted to go. So as I was reaching him, just before I reached the side-walk, he looked at me and he says to me, "What is the matter with you and the officer?" I says, "Nothing, he simply asked me what I had in my bag;" and he says, "He is inquisitive, ain't he?"

Q. How close were you to the officer at that time?

A. I didn't see the officer at that time, I didn't look back, the officer was behind me.

Q. Then you didn't know that he was drunk?

A. No, sir; I says I think he is drunk. So I stepped up from the side-walk, and the man says to me, the colored gentleman that I met, "You are a stranger here, ain't you?" "Yes." "Where are you from?" "Saugerties." "Is it up the river?" "Yes." I was just going to approach him about directing me where I wanted to go. He walked up the inside of the street, the colored man, he walked on the inside of the street, and I stayed on the same side which I approached him in the street. Looking at him a moment, I wouldn't say how many steps we had taken, came just a few

side by side, and all at once he says to me, "Look out." I told you I had my overcoat on my arm, and my satchel in my hand. I turned and saw this officer right at my feet, with his club raised -- I didn't see a club in his hand, but he had his hand up this way (showing) to strike.

Q. How near was he to you then?

A. He was right up to me, as close as we are together now, and as he made his blow -----

Q. You saw the hand come down, did you?

A. Oh, yes. When I turned -- now, mind you, as I told you, I had my left side -- I was walking upon the outside, and when I turned I had my overcoat on my left arm, and consequently would bring my overcoat nearest to him as I turned. So when he struck I threw up that hand, breaking his lick.

Q. Did you get his blow on your arm?

A. I caught his blow upon my arm, I turned it over my head, it came down a little over my overcoat and touched me on the shoulder.

Q. Did you see anything in his hand yet?

A. I didn't discover anything in his hand at that time. I stepped back as he struck at me, he made a lunge -- one of these bull-dog dives at me, and he ran right up on to me. At that time I had shoved around so that I had that side to him, because my right hand -- you see the philosophy that the right hand is more supple than the left.

Q. What happened to you when he made the lunge?

A. When he made this vicious dive at me he rushed onto me and he struck at me again.

Q. Had you yet seen anything in his hand?

A. I hadn't seen anything in his hand at that time.

Q. He struck at you again; did he strike you?

A. No, sir.

Q. Up to this time, Harper --see if I am right -- you had received no blow except the one you received on your arm?

A. Up to this time, and that was just a mere touch.

Q. That did no injury?

A. Not a bit, most of the blow came upon my coat. When he rushed at me again I had my right side to him, and my satchel in my hand. He struck at me again; I throwed up my satchel and broke the blow, and as my satchel went straight way, I brought the satchel up, and the end of the satchel some how or other -- as he said, I am not positive of this, but he said his face was scratched.

Q. Did you see the satchel strike him at that time?

A. I didn't see the satchel strike.

Q. To your knowledge, had the satchel struck him?

A. I didn't detect anything of that kind, but if the satchel struck his face he was close to me. I brought the satchel up to break his lick, and he being so close to me and taller than I, he reached over. I couldn't catch the blow to turn it, but I caught it further up, and his lick came over. You see this is the front part of my hat.

Q. That is the hat that you had on at the time?

A. Yes, sir.

Q. Put it on and illustrate.

A. This is the hat, and this is the way I had it on (illustrating). As I told you, I turned it off this way, but it missed the top of my hat and his lick came down and struck me here, which knocked the rim of my hat loose from the crown and broke it through -- that was the force of his

lick.

Q. Do you say that that hat was not broken when you left Saugerties? A. No, sir.

Q. Nor was it broken when you met this man?

A. No, sir.

Q. It was not broken at the time you raised your hand up?

A. It was not broken until after. The lick knocked the hat over my eyes; then I stepped back again from my bag, like this (showing); he made another rush, a vicious dive at me, and he caught me by the shoulder. And in catching me I don't know whether he stumbled or not, but if he hadn't caught hold of me -- he came pretty near going, and he gave me a pretty good twist, but he managed to keep his feet. The colored man stood looking at the whole affair. He caught hold of me and said, "I will take you to the station house." The colored man said, "You go right along and explain to the judge, you committed no crime; explain to him and he will discharge you." So we turned, and walked along, right back the same way we came, catcornered across the street. He held on to me until we reached the side-walk; he was on this side, and had a hold of me by the shoulder; he didn't have me by the collar.

Q. Did the colored man go with you?

A. He didn't go with us -- if he followed I didn't see him.

Q. You left him?

A. Yes, sir, me and the officer went together. He held on to me until we reached the side-walk, and when we reached the side-walk, if we kept straight ahead he would have been upon the inside and I upon the outside, but just as we reached the side-walk,

and got up there on the side-walk, he gave me a snatch in front of him, and he stepped behind me, to press me upon the inside. We walked a few steps together.

Q. Up to the time you got up on that side-walk had you seen any weapon in his hand, of any kind?

A. He hadn't, I hadn't noticed it. We walked along, we made a few steps, I can't say just how many --- one of these things occurred right after the other. He says to me, "You think I am drunk, do you?" I made him no answer. "Am I drunk?" and he struck me.

Q. Where? A. In the side of the jaw, here (showing).

Q. With his fist? A. Yes, sir.

Q. Had he struck you any blow, except those you have described, up to this time?

A. Yes, sir, just what I have described, that was all. He struck me a blow on the side of the cheek, here. "Oh," I says, "I will take that back." "You will, eh, you black son of a bitch, you will take it back?" hitting me again with the left hand, kind of in the back of the neck. I says, "Don't, don't, I beg to apologize for it;" I said, "I didn't mean it, I will take it all back." "You will, eh, you black bastard," and he hit me again -- right along he kept hitting me.

Q. How many times about, in all?

A. I couldn't say.

Q. Three or five times?

A. Ten times. So he struck me in the ribs, under here, (indicating). I discovered this time that he had a little piece of wood in his hand of some kind.

Q. As short as a club, or a piece of white, unpainted wood?



A. No, it was about the color of this here (pointing to the railing), and he let that project out of his hand, I judge about two inches -- I am no carpenter, I am not a judge of inches -- I discovered that in his hand at that time because he gave me a tremendous punch in the side with it, and drew it back. I begged him all the time to stop. Just as we were going along a lady came up with a broom on the steps, I didn't see her sweeping, I judge that is what she came for. She saw the man clubbing me and hitting me over the head; my head was bowed down. I was begging him not to hurt me; I said, "I am a countryman, I have to get my living by hard work, don't hurt me, I didn't mean anything by what I said, I will take that back." He kept repeating that, "Oh, you will, you son of a bitch," and he banged me. Just as we passed this lady -- there had been somebody behind, following behind, looking at the circus. So the lady, just as we passed, she says, "Look at that, ain't that a shame to see that man pounded, that boy, like that, he hasn't done anything." So we passed on.

Q. You are not a boy, are you?

A. I am not one.

Q. You are forty-one years old?

A. Yes, sir -- there is where she called me a boy, because I am small in stature. So the next thing occurred after that -- he kept hitting and knocking me, and people spoke, from the other side; "Look at that," they said, I could hear them speak around me. So about that time, as we passed from the lady, I felt some one grab me by the arm, upon the inside I was walking, they grabbed me by the arm and came up behind me --- he seemed to be an officer, I

guess, another man -----

Q. Was he in uniform?

A. He was in uniform, but I think he had on just merely a sack.

Q. Did he have a policeman's shield or hat on?

A. I didn't see the shield, but I noticed his cap, with a thing stuck on it, like the ~~other~~ officer. I couldn't tell whether he was a station officer or what. So he grabbed me by the arm, and says to the officer, in these words, "Cheese it, cheese it." "Oh," he said (the complainant), "you black son of a bitch," and he gave it to me (meaning another blow). The officer says, "Cheese it." So he stopped for a moment, and he cut across on the other side of the street. So we walked along, and this new arrival says to me, "What is the matter?" I turned my head to him, to talk, to answer him, and said, in these words, "Nothing is the matter, I am a stranger here, I have just got off the boat, I saw this man and he assaulted and clubbed me along the streets for nothing, I gave him no cause or provocation to do so." "You didn't say I was drunk, did you, you son of a bitch?" the complainant said. I was looking at this man, our late arrival, I turned my head from him to the officer who was walking on my right, staggering along; I turned my head and says to him, "I beg to apologize for that, I didn't mean it." "You didn't mean it," and up came that club into his hand and struck me in the mouth. I have the plate that I had in my mouth. I had that plate in my mouth (producing plate), and I have two teeth projecting on it here, filling up this vacant place here in my mouth. He knocked these two teeth off with that lick. I

also had a good solid tooth, in which I had a clasp, on this side, like that (showing). This clasp went around the tooth to hold the plate steady in my mouth, and this is the tooth here.

Q. Your two front teeth were gone?

A. Yes, sir.

Q. You had a tooth beside to which you attached that plate to hold it in your mouth?

A. Yes, sir; and this tooth was broke, knocked out, and just hung by a little piece of gum on the inside, which I got a man to take off after I got to the prison.

By Mr. Chanler:

Q. Then you got to the station house, didn't you -- you were taken up before the sergeant?

A. When that man struck me this new man says, "Cheese it, cheese it, do you want to give yourself dead away?" he says, and he walked along, and just about that time we was at Bleecker street and was going to turn, going up the same street in which the station house is in, and he turned to strike me again just as I reached the street,; and after he struck me in the mouth I was all bleeding, which the blood is on my satchel and on the coat. That is the blood on my satchel, which I had in my hand (pointing to the satchel), and I went stooping so, with my hand over my mouth, the blood running down my shirt sleeves here, as you can see, on my satchel and on my coat and my pants -- and my pants and coat were covered with blood; I took my handkerchief and washed my clothes while the blood was wet, taking it off. As I went along he hauled back his club and attempted to strike me, but this new man that was with me,

he had come to assist me, to aid me from punishment, not to assist the officer, but to me --- he had his eye on me, and as he went to strike me he gave me a little snatch upon my arm and stepped a step quick and shoved the officer away; he says, "Why the hell don't you keep still?"

By the Court:

Q. You heard what the officer said while he was upon the witness-stand?

A. Yes, sir.

Q. You heard certain language which he said you used to him, which I am not going to repeat; did you say anything to him?

A. I did not.

Q. Did you say that, or anything like it?

A. I did not. I said just what I say here.

Q. You heard what he said?

A. Yes, sir.

Q. You say you did not say it?

A. I didn't say it. So he attempted to strike me again down to the station house. When we got to the station house there was a long line of officers drawn up there, and we had to kind of wait a second; and the man said, "Right about, forward," and went out.

By Mr. Chanler:

Q. The officer kicked you in the station house, did he?

A. When I got in the station house this new man with me went ahead, and I next to him, and this other officer behind me.

By the Court:

Q. How far were you from the station house when you met the man you call the "new man," about?

A. May it please your Honor, I couldn't tell you that, because it is a strange place, I was never there before, I

was somewhat excited.

Q. Had you gone half your journey, before you met this other man, to the station house? A. No, sir.

By Mr. Chanler:

Q. You went through this long line of officers, and you went to the cell? A. I went in; this new officer disappeared from me when I got to the station house. If I remember right, there is a kind of counter I stopped at.

By the Court:

Q. You went in front of somebody sitting behind?

A. Yes, sir; I stopped at the end of this desk or counter; then I guess the officer was behind me, I was in a strange place, I didn't know what was going to come next. I turned around and I fronted the officer, my face about half-way, and he said, "Go over there, you son of a bitch," and he kicked me.

Q. Were the other officers present in the station house?

A. In the station house, there was not any one present.

By Mr. Chanler:

Q. This was after they said, "Right about?"

A. That was after the officers had all gone; there might have been some one, but I didn't see them. He kicked me here (pointing to the groin).

Q. He kicked you? A. He did.

Q. Now, after that, you were taken down to the Police Court?

A. Yes, sir, I went down stairs and I was locked in. He wrote something upon the wall and went off, and he came back again pretty soon, and he was just as nice as pie. He was twisting his mustache. He came up and looked through and said, "Harper?" I said, "Yes." "This way, please," and

he was wiping back his mustache.

Q. He recommended a lawyer, didn't he, to you?

A. He took me out, I guess to indict or do something--- anyhow to take me to the desk. In going back I said, "I am here on important business, I would like to get out to attend to it. Do you think I can get out today?" He said, "I don't know; if you can get a good counsellor you can get out."

Q. And you gave the counsel all the money you had?

A. Yes, sir.

Q. You didn't get out?

A. No, sir.

Q. Nothing was done for you, as far as you could see?

A. No, sir.

Q. You didn't see a lawyer?

A. No, sir.

Q. You haven't any money left?

A. I haven't got a cent.

Mr. Macdonna: There are so many ear-marks about the testimony of this defendant in this case that wear the unmistakable mark of truth, enlightened by the ordinary every day experience, that I think the Grand Jury has made a mistake in getting this negro indicted instead of the other party. And I therefore ask your Honor's permission to withdraw from this case.

The Court: I am convinced, having heard the story on both sides in this case, that this man has told the truth. I am equally satisfied that the Grand Jury were wrong in not having found a bill in the first instance, as against this defendant, upon the statement made by the officer, if he made the same statement that he made here. Somebody is wrong in this case,



and I do not believe it is this man on the witness-stand. I am the first to protect policemen; we send policemen out, they take ~~our~~ <sup>their</sup> lives in their hands, to protect us against thieves and scoundrels. They are given a pistol and a club for use under proper circumstances, and under proper circumstances I do not find any fault when they use it. But I am convinced, from the manner of this man and from the fact that the other officer is not here to substantiate the story which this officer has told, and from the amount of blood upon that satchel and from the injury this man received -- I think the officer holds the most disgraceful position. I shall make it my duty to call the attention of the officer's superiors to this case. I advise you, gentlemen, to acquit the defendant.

The Jury rendered a verdict of NOT GUILTY.

Committee of General Assembly  
Part I

The People  
vs.

Noah Harper

Stenographer's Transcript.

April 1893

Filed

April 1993

80 Va

06 15

Police Department of the City of New York.

Office of the 2nd Inspection District.

300 Mulberry street.

New York, May 8th, 1893.

Thomas Byrnes, Esq.,

Superintendent of Police.

Sir:-

In compliance with your orders, I have made an investigation regarding the case of Patrolman Henry Walsh of the 9th Precinct, who is referred to in the accompanying copy of resolution adopted by the Grand Jury April 20th, 1893 as having been "guilty of intentional false swearing either in his testimony before the Grand Jury or upon the trial of the indictment" of one Noah Harper for assault.

While in the resolution of the Grand Jury, the "intentional false swearing" is not specified, I judge, from reading the stenographer's transcript of minutes of that Honorable Body, in the case of The People vs. Harper, that in adopting the resolution above referred to, they had in mind the fact that before them (see transcript page 6) Officer Walsh testified that he did not hit Harper, and that on the trial of the indictment he testified that he hit Harper with his fist in the face.

I have questioned Patrolman Walsh in regard to these statements, and he says that the statement he made to the Grand Jury on April 10th, 1893 is a truthful one; he also says that if he stated, upon the trial, that he hit Harper in the face with his fist, he did so because he misunderstood the question of the District Attorney, and that he didn't know he made any such statement until he saw a copy of his cross-examination at this office.

From the investigation that I have made I am forced to the conclusion that the testimony and statements of Officer Walsh, in this matter, are true, and that those of Harper are untrue in every particular. Walsh's statements (except where he says he hit Harper in the face with his fist, and which he explains by his not understanding the District Attorney's question) have been corroborated by three reputable witnesses, who very positively state that he did not strike Harper.

I have ascertained that Harper is a notorious ex-convict, and that the last time he served in State Prison was for rape. As to his statement that at the time of his arrest he was on his way to No. 800 Washington Street, Hoboken, N. J., "to take his wife home", I have a communication from the Chief of Police of that City, in which he says that no colored people ever lived at that number, and that neither Harper nor his wife are known in that vicinity.

The papers which you forwarded to me in this case are herewith returned.

Very respectfully

Thomas F. McAvey

Inspector 2nd District.

(COPY)

06 16

Police Department of the City of New York.

300 Mulberry street.

New York May 9th, 1893.

Hon. Randolph R. Martine

Judge of the Court of General Sessions.

Dear Sir:- Dear Sir:-

In answer to a communication received from the District Attorney, enclosing a copy of resolution adopted by the Grand Jury referring to conflicting testimony given by Patrolman Walsh 9th Precinct in case against Noah Harper, I forward you a copy of report thereon made by Inspector Thomas F. McAvoy.

Very respectfully

Chief Clerk.

0617

Police Court—2 District.City and County } ss.:  
of New York,

of No. the 9<sup>th</sup> Precinct Police Street, aged        years,  
 occupation Police officer being duly sworn  
 deposes and says, that on 3<sup>rd</sup> day of April 1893 at the City of New  
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Noah Harper (now here) who  
struck deponent a blow on the face  
with a grip-sack which said Harper  
then and then held in his hand, while  
deponent was in the performance of his  
duty, and that said assault was  
committed by defendant

Bleeker

5-530

with the felonious intent ~~to take the life of deponent, or~~ <sup>deponent</sup> to do ~~him~~ grievous bodily harm; and without  
 any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer  
 for the above assault, etc., and dealt with according to law.

Sworn to before me, this 3 day  
 of April 1893.

Thos. F. Brady Police Justice.

Henry Walsh



06 18

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Noah Harper being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h <sup>is</sup> right to  
make a statement in relation to the charge against h <sup>im</sup>; that the statement is designed to  
enable h <sup>im</sup> if he see fit to answer the charge and explain the facts alleged against h <sup>im</sup>  
that he is at liberty to waive making a statement, and that h <sup>is</sup> waiver cannot be used  
against h <sup>im</sup> on the trial.

Question. What is your name?

Answer. Noah Harper

Question. How old are you?

Answer. 41 Year

Question. Where were you born?

Answer. North Carolina

Question. Where do you live, and how long have you resided there?

Answer. Glasgow N.Y.

Question. What is your business or profession?

Answer. Cook

Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer.

I am not guilty

his

Noah Harper  
mark

Taken before me this

3

day of

April

1893

Wm. J. Brady

Police Justice.



06 19

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated April 18 93 Thos. J. Brady Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offence within mentioned. I order he to be discharged.

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0620

100

Police Court---

2

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Henry Walsh  
vs.  
Noah Harper

Office of Thomas A. A. A. A.

2  
3  
4

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated April 3 1893  
Magistrate.  
Walsh Officer.  
9 Precinct.

Witnesses \_\_\_\_\_

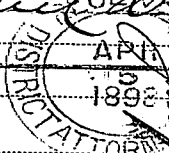
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 500 to answer

B. D.



Handwritten signatures and notes

Court of General Sessions of the Peace

491

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Noah Harper*

The Grand Jury of the City and County of New York, by this indictment accuse

— *Noah Harper* —

of the CRIME OF ASSAULT IN THE THIRD DEGREE, committed as follows:

The said — *Noah Harper* —

late of the City of New York, in the County of New York aforesaid, on the — *5<sup>th</sup>* —  
day of — *April* — in the year of our Lord one thousand eight hundred and  
ninety— *three* —, at the City and County aforesaid, in and upon the body of one —  
*Henry Walsh* in the peace of the said People then and there being, with force  
and arms, unlawfully did make an assault, and — *him* — the said *Henry Walsh*—  
did then and there unlawfully beat, wound and illtreat, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*

0622

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Hashagen, Henry

**DATE:**

04/17/93



4720

Witnesses:

J. C. Koptiers

One of the members of complainant's firm has filed a sworn statement herein, in which she states that in her opinion the defendant retained the money mentioned in these indictments under the belief that he was entitled to it as Commissioner. She does not believe that defendant had any criminal intent. He has ~~refused~~ returned all the money withheld.

Under these circumstances

I recommend the dismissal of this indictment.

~~Sept 8th 1893~~  
Dec. 15. 1893.

Vernon M. Davis,  
Clerk

Counsel.

Filed,

Pleaded,

1796  
\$70.  
179  
day of April 1893  
170

THE PEOPLE

vs.

B

Henry H. Hager

(3 cases)

7

DE LANCEY NICOLL,

District Attorney.

See Endorsement.

A TRUE BILL.

James A. Dyke  
Deputy Foreman.  
Indictment  
Dismissed

LARCENY, and Aggravated  
(Sections 528 and 53 of the Penal Code.)

0623



TORN PAGE

0624

State of New York,

City and County of New York,

ss.

FRANKLYN W. HOWES, being duly sworn,

says that he is a member of the firm of FRANCOIS & COMPANY, doing business as milliners at No. 296 Fifth Ave., in the City of New York.

THAT one HENRY HASHAGEN was employed by said firm of FRANCOIS & COMPANY, as a clerk, at a regular weekly salary for a period of about two years and up to and including March 21, 1893

THAT the duties of the said HENRY HASHAGEN, as such clerk, were to keep the books and accounts of said firm and to collect and receive the moneys due said firm for goods sold and from persons who were indebted to the said firm, and to pay and turn the same over to the said firm and to deposit the said moneys so received and collected, in the bank to the credit of the said firm.

THAT said HENRY HASHAGEN, while engaged as such clerk as aforesaid, received and collected as such clerk, sundry sums of money from various persons, for goods sold and delivered to such persons by said firm, at sundry times, as follows: viz: on or about March 10, 1892, from Mrs. E. H. Ripley, twenty-five dollars; on or about April 7, 1892, from Mrs. H. D. Hastings, twenty-five dollars; on or about April 26, 1892, from Mrs. F. Foster, twenty-five dollars; on or about September 27, 1892, from Mrs. J. D. Wood, fifty dollars; on or about November 10, 1892, from Mrs. John Prentice, seventy dollars; on or about November 12, 1892, from Mrs. E. Hinman, one hundred and eighteen dollars; on or about November 15, 1892, from Mrs. P. C. Franko, six dollars.



TORN PAGE

0625

April 7, 1892, from Mrs. J. B. Hostetter, twenty-eight dollars; on or about April 29, 1892, from Mrs. J. Huntoon, sixty dollars; on or about September 30, 1892, from Mrs. E. A. Hunt, fifty-eight dollars; on or about August 23, 1892, from Mrs. F. C. Marsh, thirty dollars; on or about December 31, 1892, from Baroness Blanc, thirty dollars; on or about January 31, 1893, from Mrs. B. W. Roberts, twenty-five dollars: In all amounting to the sum of five hundred and seventy-four dollars.

THAT said HENRY HASHAGEN did not turn over nor pay to the true owners, the firm of FRANCOIS & COMPANY, nor did he deposit in the bank to the credit of the said firm, any of the said sums of money so received and collected by him as aforesaid, but appropriated the said sums of money so received and collected by him as

THAT said HENRY HASHAGEN appropriated said moneys to his own use as aforesaid, with the intent to cheat and defraud, and did so cheat and defraud, the said firm of FRANCOIS & COMPANY, out of the said moneys so received, collected and appropriated.

THAT said HENRY HASH GEN has refused and still does refuse, to turn over or pay said moneys to said firm or to deposit the same in the bank to the credit of said firm.

*Subscribed & sworn Franklin W. Haver-*  
*Before me this month-*  
*day of April A.D. 1893*

*J. J. H. Haver*  
*Notary Public*  
*N.Y.C.*

0626

Sec. 192.

25

District Police Court.

Undertaking to Appear during the Examination.

CITY AND COUNTY } ss:  
OF NEW YORK,

An information having been laid before John R. Voorhis Esq. a Police Justice of the City of New York, charging Henry Hashagen Defendant with the offense of Forgery

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

WE, Henry Hashagen Defendant of No. 263 West 125th Avenue St. John Street, by occupation a Chk. Nicholas Karakonyi and of No. 54 Second Avenue Street, by occupation a Wines Surety, hereby jointly and severally undertake that the above-named Henry Hashagen Defendant shall personally appear before the said Justice, at the 25 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of 1000 Hundred Dollars.

Taken and acknowledged before me this

26th

day of

March

1893

Henry HashagenNicholas KarakonyiJohn R. Voorhis Police Justice.

0627

City and County of New York, ss:

Sworn to before me this 2 day of March 1893.  
John B. Williams  
Police Justice.

Nicholas Karakomys

the within-named Bail and Surety, being duly sworn, says, that he is a resident and free holder within the said County and State, and is worth twenty Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of A house No. 327 East 45th Street in the City of New York worth thirteen thousand dollars above any encumbrance Nicholas Karakomys

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Undertaking to appear during the Examination.

Taken the day of 189

Justice.

Police Court, 2<sup>nd</sup> District.

1901

City and County of New York, ss. Franklin W. Howes  
 of No. 78 East 17<sup>th</sup> Street, aged thirty years,  
 occupation member of firm Francois & Sullivan being duly sworn, deposes and says,  
 that on the \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_, at the City of New  
 York, in the County of New York,

deponent is a member of the firm of Francois & Co. of 296 Fifth Avenue New York City.  
 That one Henry Hashagen who as deponent is informed resides in the City of Brooklyn was in the employ of the above named firm of Francois & Co. as bookkeeper up to and including the 22<sup>nd</sup> day of March 1893 when he voluntarily left the employ of said firm, that the cause of said Hashagen leaving the employ of deponent's firm was as said Hashagen alleged he cause said deponent's firm were about to have the books of the said firm examined by an external accountant. That previous to leaving the employ of deponent's firm said Hashagen unlawfully and corruptly obliterated and destroyed account books & account records and other writings belonging to and appertaining to the business of the said firm of Francois & Co. That said Henry Hashagen obliterated and destroyed said account books & account and other writings belonging to said firm of Francois & Co. without the permission or consent of said firm and to the injury of said firm & as deponent believes for corrupt motives.

Sworn to before me the Franklin W. Howes  
 24<sup>th</sup> day of March 1893

John B. Crozier  
 Police Justice



0629

Sec. 193-200

2

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Henry Washagen* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h — right to  
make a statement in relation to the charge against h —; that the statement is designed to  
enable h — if he see fit to answer the charge and explain the facts alleged against h —  
that he is at liberty to waive making a statement, and that h — waiver cannot be used  
against h — on the trial.

Question. What is your name?

Answer. *Henry Washagen*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *Germany*

Question. Where do you live, and how long have you resided there?

Answer. *263 Flatbush Avenue - 6 Mos -*

Question. What is your business or profession?

Answer. *Clerk*

Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer. *I am not guilty -*  
*Henry Washagen*

Taken before me this

day of

188

*John W. Lawrence*

Police Justice.

0630

State of New York, }  
COUNTY OF KINGS, } ss.  
CITY OF BROOKLYN.

Form No. 6

*Albertus Wood*

of No.

*44 Jefferson Market Police Station*

being duly sworn says that he is acquainted with the handwriting of *John R. Voorhis*

*me* the Police Justice, who issued the annexed Warrant and that

the signature to this Warrant is in the handwriting of said *John R. Voorhis*

Sworn to before me this *24* day of *March* 188*9*

*Albertus Wood*  
*Jacob E. Peace*  
Police Justice of the City of Brooklyn.

This warrant may be executed in the City of Brooklyn.

*24*

*Jacob E. Peace*  
Police Justice. *of the Peace*



0631

Sec. 151.

Police Court 2 District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County  
of New York, or to any Marshal or Policeman of the City of New York, GREETING :

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police  
Justices for the City of New York, by Franklyn R. Howes  
of No. 28 East 17th Street, that <sup>on about</sup> the 12 day of March  
1893 at the City of New York, in the County of New York,

Henry Haskins did unlawfully and  
corruptly obliterate and destroy accounts,  
book of account, records, and other  
writings belonging to and appertaining to  
the business of the firm of Francis  
& Co of which firm said Franklyn R.  
Howes is a member

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to  
answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him  
forthwith before me, at the 2 DISTRICT POLICE COURT, in the said City, or in case of my absence  
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to  
be dealt with according to law.

Dated at the City of New York, this 24 day of March 1893

John B. Borchers POLICE JUSTICE.

0632

91084 29. Mr. Henry Bell M. Wm. 268. Railroad Ave Brooklyn

The within named

having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice.

Police Court 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Franklyn W. Hawes

vs.  
Henry Kershager

Warrant-General.

269 Bridge St.

Dated March 24 1883

Koch's Magistrate

Wood Officer.

The Defendant Henry Kershager  
taken, and brought before the Magistrate, to answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

Alburtis Wood Officer.

Dated March 24 1883

This Warrant may be executed on Sunday or at  
night.

Police Justice.

0633

It appearing to me by the within depositions and statements that the crime herein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated March 31 1893 John B. [Signature] Police Justice.

I have admitted the above-named Defendant to bail to answer by the undertaking hereto annexed.

Dated Mar 31 1893 [Signature] Police Justice.

There being no sufficient cause to believe the within named Defendant guilty of the offence within mentioned. I order he to be discharged.

Dated Mar 31 1893 [Signature] Police Justice.

0634

BAILED,

No. 1, by

Thomas Graham

Residence

1236 Ellockwood Street.

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

2  
363 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Frank W. Howes  
28 E. 17

Henry Hashagen

2

3

4

Dated

March 24

1893

Magistrate.

Officer.

Precinct.

Witnesses

S. R. Hopkins

No.

98 5th ave

Street.

No.

2000

to answer

95

Street.

Consent of both parties

\$1000 for each man 28 2 Phi-  
" 31 2 Phi-



0639

Police Court---

District.

THE PEOPLE, &amp;c.,

ON THE COMPLAINT OF

Franklin W. Howes

288 1/2  
Henry Hashagen

2

3

4

Dated

March 24 1893

Magistrate.

Officer.

Precinct.

Witnesses

S. R. Hopkins

No.

98 5th ave

Street.

No.

2000

to answer

95

Consent of both parties

BAILED,

No. 1, by

Thomas Graham

Residence

1736 Mochanillo Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

\$1000 for Est. Mar 28 2 P.M.  
 " 31 2 P.M. by Consent of both parties

94  
 3rd

District Attorney's Office,  
City & County of  
New York.

People,

vs.  
Henry Haskins

Part One Calendar  
Dec <sup>22</sup> ~~23~~ vs 1893.  
for dismissal  
of Indictment—  
See endorsement

V. M. Davis  
Clerk



0637

1600  
District Attorney's Office.

People  
vs  
Henry Harkagen

Grand Jurors:

In this case  
I do not find any  
record of a for-  
feiture —

R/B m Jr

## COURT OF GENERAL SESSIONS.

THE PEOPLE, et al.,

Plaintiffs,

- against -

HENRY HASHAGEN,

Defendant.

CITY AND COUNTY OF NEW YORK, SS:

HENRY HASHAGEN, of said city, being duly sworn, deposes and says: I am the defendant herein and reside at No. 263 Flatbush Avenue in the city of Brooklyn. For a period of five years prior to my entering the employ of the firm of Francois & Company I was confidential bookkeeper in the employ of the firm of Viotor & Achilles, to whom I refer. When I commenced to work for the firm of Francois & Company I was induced to accept the position upon the promise made by Mr. Howes that I would obtain substantial advancement in the course of a short period of time. After my employment had continued for several months I had a conversation with the said Howes, who is a member of the said firm of Francois & Company, at which I requested an advance of salary which the said Howes promised to secure for me, thereafter I had several conversations with him and secured a promise from Francois & Company that I should be entitled to certain commissions on various transactions which were placed in my hands and which I conducted.; the moneys amounting in all to about \$1,300. which I retained I regarded as on account

of the commissions which I had fairly and honestly earned, and I believed that I was strictly entitled to retain the said sums. After my arrest and after the denial of Mr. Howes that he had authorized me to retain the said moneys, I made restitution thereof as soon as I was able to secure the sum and concluded to rest upon my rights in an action to recover the same. At no time did I wilfully or intentionally commit the crime charged in the indictment.

Sworn to before me this )  
19<sup>th</sup> day of May, 1893.)

*Henry S. Luchessen*

*John G. Matthews*

Notary Public, Kings Co.  
Certificate Filed in N. Y. Co.

## COURT OF GENERAL SESSIONS.

THE PEOPLE, et al.,  
 Plaintiffs,  
 - against -  
 HENRY HASHAGEN,  
 Defendant.

CITY AND COUNTY OF NEW YORK, ss:

MATILDA BLUM, of said city, being duly sworn, deposes and says: I am a member of the firm of Francois & Company, doing business at No. 296 Fifth Avenue in the city of New York, the said firm is composed of myself and one *J. W.* Howes, and the name "Francois & Company" is used as a trade mark only; the said firm is engaged in the ~~firm~~ manufacture and sale of fine millinery goods. I know the defendant, Henry Hashagen; he was in the employ of my firm in the capacity of confidential bookkeeper for several years. During the early part of the spring I discovered that said defendant had been appropriating certain moneys collected by him on account of the firm's transactions to his own use, and I charged him with the said appropriation; he stated that it was his understanding derived from conversations had between himself and Mr. Howes that he was to receive a certain percentage on collections and that he believed himself entitled to retain such percentages from the amounts collected by him. I thereupon conferred with my partner Mr. Howes and learned that

although there had been some conversations looking to a commission being allowed to the defendant, yet Mr. Howes denied having authorized the defendant to retain any of the moneys collected by him in the course of the usual business transactions. This charge was then made against the defendant.

Since making the charge from investigations made by me I believe that the defendant honestly thought that he was entitled to retain the moneys appropriated by him as being on account of the commissions which he claimed had been promised him by Mr. Howes. The defendant has made ample restitution of said moneys to my firm, and I am satisfied that he did not intend to commit the crime charged in the indictment.

I do not desire to press the charge and request permission to withdraw the complaint of the firm of Francois & Company.

Sworn to before me this )  
19<sup>th</sup> day of May 1893 )

*Joe P. Harshew*

Notary Public, Kings Co.  
Certificate Filed in N. Y. Co.

*Matthieu Blum*  
*Francois & Co*  
*J. W. Howes*

*I concur in above  
affidavit of Matthieu Blum and  
request permission to withdraw the  
complaint.*

*Witnessed by*

*Chas. H. Baunay*

*J. W. Howes*

0642

*Court of General Sessions*

*The People*

*et al*

*Plaintiffs*

*v*

*Henry Hushagen*

*Defendant*

*Affidavits*



**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Henry Hashagen*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Henry Hashagen*  
of the CRIME OF ~~Grand~~ LARCENY, in the second degree committed  
as follows:

The said

*Henry Hashagen*  
late of the City of New York, in the County of New York aforesaid, on the *twenty seventh*  
day of *September*, in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, being then and there the clerk  
and servant of *Franklyn W. Howes and*  
*Mathilda Blum*, copartners in trade, then and  
there doing business under and by the firm  
name and style of *Francis and Company*  
and as such clerk and servant then and there having in his  
possession, custody and control certain goods, chattels and personal property of the said  
*Franklyn W. Howes and Mathilda Blum*  
the true owners thereof, to wit:

*the sum of fifty dol-*  
*lars in money, lawful money of the*  
*United States of America, and of*  
*the value of fifty dollars; —*

the said *Henry Hashagen* afterwards, to wit:  
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
did feloniously appropriate the said *sum of money* —

to his own use, with intent to deprive and defraud the said *Franklyn*  
*W. Howes and Mathilda Blum*  
of the same, and of the use and benefit thereof; and the same goods, chattels and personal  
property of the said *Franklyn W. Howes and Mathilda Blum*

did then and there and thereby feloniously steal, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and their  
dignity.

DE LANCEY NICOLL,  
District Attorney.

Witnesses:

*L. E. Hoptress*

~~I have spoken with the complainant  
and herein I find that~~

I recommend the  
dismissal of this  
indictment for  
reasons endorsed  
on indictment

No. 226.

Dec 15/93

Vernon M. Davis

Counsel.

Filed,

*17* days of *April* 1893

Pleads,

*W. J. andy 20*

THE PEOPLE

vs.

*Henry Matheson*

(Seares)

*Dec 15/93*

*Producing*

*Dismissed*

DE LANCEY NICOLL,

District Attorney.

*Let the complainant in this case be  
served personally & let a return be  
made on or before May 1st. V.M.N.*

A TRUE BILL.

*Samuel D. Wykes*

Foreman.

*De endorsement.*

(Sections 528 and 537 of the Penal Code.)  
*Grand Larceny, and Abuse*

0644

538

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Henry Hashagen*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Henry Hashagen*  
of the CRIME OF *Grand* LARCENY, *in the second degree*, committed  
as follows:

The said

*Henry Hashagen*

late of the City of New York, in the County of New York aforesaid, on the *twelfth*  
day of *November* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, being then and there the *clerk*  
and servant of *Franklyn W. Howes* and  
*Mathilda Blum*, copartners in trade then  
and there doing business under the *and for* firm  
name and style of *Francis and Company*  
and as such *clerk and servant* — then and there having in his  
possession, custody and control certain goods, chattels and personal property of the said  
*Franklyn W. Howes and Mathilda Blum*  
the true owner thereof, to wit:

*the sum of one hundred*  
*and eighteen dollars in money, law-*  
*ful money of the United States of*  
*America, and of the value of one*  
*hundred and eighteen dollars: —*

the said

*Henry Hashagen*

afterwards, to wit:

on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
did feloniously appropriate the said *sum of money* —

to his own use, with intent to deprive and defraud the said

*Franklyn*  
*W. Howes and Mathilda Blum*  
of the same, and of the use and benefit thereof; and the same goods, chattels and personal  
property of the said *Franklyn W. Howes and Mathilda Blum*

did then and there and thereby feloniously steal, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and their  
dignity.

DE LANCEY NICOLL,  
District Attorney.

Witnesses:

S. L. Hopkins

I recommend the  
dismissal of this  
indictment for  
reasons endorsed on  
indictment No. 226.

Dec 15. 1893

W. M. Davis  
Asst

Counsel.

Filed,

day of

April 1893

Pleads,

July 25

THE PEOPLE

vs.

Henry Haskagen

(3 cases)

LARCENY, (Sections 528 and 53 / of the Penal Code.)  
(MISAPPROPRIATION.)  
and dog

DE LANCEY NICOLL,

District Attorney.

See Endorsement, D.

A TRUE BILL.

Paul Haskagen

Foreman.

Indictment  
Dismissed

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Henry Hashagen*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Henry Hashagen*  
of the CRIME OF *Grand* LARCENY, in the second degree, committed  
as follows:

The said

*Henry Hashagen*

late of the City of New York, in the County of New York aforesaid, on the *tenth*  
day of *November* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, being then and there the *clerk*  
and servant of *Franklyn W. Howes and*  
*Mathilda Blum*, copartners in trade, then and  
there doing business under and by the firm  
name and style of *Francois and Company*  
and as such clerk and servant then and there having in his  
possession, custody and control certain goods, chattels and personal property of the said  
*Franklyn W. Howes and Mathilda Blum*  
the true owner thereof, to wit:

*the sum of seventy dollars*  
*in money, lawful money of the United*  
*States of America, and of the value*  
*of seventy dollars:*

the said

*Henry Hashagen*

afterwards, to wit:

on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
did feloniously appropriate the said *sum of money* -

to his own use, with intent to deprive and defraud the said

*Franklyn*  
*W. Howes and Mathilda Blum*  
of the same, and of the use and benefit thereof; and the same goods, chattels and personal  
property of the said *Franklyn W. Howes and*  
*Mathilda Blum*, -

did then and there and thereby feloniously steal, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and their  
dignity.

DE LANCEY NICOLL,  
District Attorney.

0648

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Hayes, Daniel

**DATE:**

04/20/93



4720



Witnesses:

*W. H. Sloan*

Counsel,

Filed,

*20 April* 1893

Pleads,

THE PEOPLE

vs.

*B*  
*Daniel Hayes*

VIOLATION OF THE EXCISE LAW,  
Selling, etc., on Sunday.  
[Chap. 401, Laws of 1892, § 82.]

*Apr 18 93*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Daniel Murphy*  
Foreman.

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Daniel Hayes*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Daniel Hayes*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

*Daniel Hayes*

late of the City of New York, in the County of New York aforesaid, on the — 26<sup>th</sup> — day of *March* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

~~and~~ to certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of New York and their dignity.

## SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said

*Daniel Hayes*  
of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Daniel Hayes*

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

*James A. Sloan*  
and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*

0651

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Heblich, Max

**DATE:**

04/18/93



4720

0652

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Niederhofer, Philip

**DATE:**

04/18/93



4720

Witnesses:

*Alf Berach*

*Reuchter*

*Alfred H. H. H.*

Counsel,

Filed

18<sup>th</sup> day of April

1893

Pleads,

THE PEOPLE

vs.

*Max Heblach*  
(2 cases)

and

*Philipp Thierach*

Dr LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*David Dwyer*

Foreman.

*April 19/93*

*Ch. H. H.*

*Heads Perry 2 day*

*Ch. H. H. H.*

*Ch. H. H. H.*

Burglary in the  
[Section 409, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]



Police Court— 3 District.City and County { ss.:  
of New York, }

Gottlieb Sachs

of No. 338 Sixth Street, aged 41 years,  
occupation Beer saloon keeper being duly sworndeposes and says, that the premises No. 338 6<sup>th</sup> Street, 17<sup>th</sup> Wardin the City and County aforesaid the said being a dwellling; the store  
floor of which was used as a saloon and  
and which was <sup>also</sup> occupied by deponent as a dwellling  
and in which there was at the time a human being, by namewere **BURGLARIOUSLY** entered by means of forcibly raising a  
window in the rear of the store  
and enteringon the 14<sup>th</sup> day of April 1883 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:Clothing, whisky, cigars and  
plated table ware all of the  
value of One hundred dollars and  
forty five dollar lawful money  
all valued at \$45.00the property of deponentand deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
**BURGLARY** was committed and the aforesaid property taken, stolen and carried away byPhilip Neederhaver & Max Hebllich  
(both now here) who were in company with each other

for the reasons following, to wit:

that deponent securely locked  
and fastened the doors and windows  
leading to said saloon and said  
property was therein. Deponent was  
asleep on the floor above and was  
awakened by a noise in the saloon  
and on investigation found the  
place broken and entered and  
said property stolen and carried

0655

away. Deponent is informed by  
 Edmund Bierach (now here) a police  
 officer that he with officers David  
 J. Mallon and John Hock arrested  
 the defendants and found property  
 in their possession which deponent  
 has since seen and identifies as  
 the property stolen as aforesaid.  
 Sworn to before me }  
 this 14<sup>th</sup> April, 1893 } *Gotthard Scher*

*Charles A. Lister*  
 Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
 committed, and that there is sufficient cause to believe the within named  
 guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
 Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
 of the City of New York, until he give such bail.  
 Dated 1888  
 I have admitted the above named  
 to bail to answer by the undertaking hereto annexed.  
 Dated 1888  
 There being no sufficient cause to believe the within named  
 guilty of the offence within mentioned, I order he to be discharged.  
 Dated 1888  
 Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
 on the complaint of

1. 2. 3. 4.

Offence—BURGLARY.

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

0656

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged 32 years, occupation Police officer of No. 142 Pleasant

Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Gottlieb Sachs and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 14<sup>th</sup> day  
of April 189 3

Edmund W. Bierach

Charles W. Lantieri

Police Justice.

0657

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*Philip Neiderhager* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name.

Answer.

*Philip Neiderhager*

Question. How old are you?

Answer.

*22 years*

Question. Where were you born?

Answer.

*Germany*

Question. Where do you live, and how long have you resided there?

Answer.

*403 Fifth St & on years*

Question. What is your business or profession?

Answer.

*Barman*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am guilty*

*Philip Neiderhager*

Taken before me this

day of

1888

*Charles H. Deane* Police Justice.

0658

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*Max Hebllich* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name.

Answer.

*Max Hebllich*

Question. How old are you?

Answer.

*14 years.*

Question. Where were you born?

Answer.

*New York*

Question. Where do you live, and how long have you resided there?

Answer.

*414 East 5th St & 14 years*

Question. What is your business or profession?

Answer.

*Bottle Washer*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am guilty.*

*Max Hebllich.*

Taken before me this

day of

1895

*Charles J. Smith*

Police Justice.



0659

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Wapudau

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Apr 14 1883 Charles N. Luntz Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offence within mentioned, I order he to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0660

218

Police Court 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Gottlieb Sachs.  
338<sup>th</sup> 6<sup>th</sup> St.

1. James K. Public  
2. Philip Benderhagen  
3. \_\_\_\_\_  
4. \_\_\_\_\_

Offence Burglary

BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated Apr 14 1893

Samuel Magistrate

Burash Malin & Hoch Clerk.

14 Precinct.

Witnesses Call Officer

No. \_\_\_\_\_ Street.

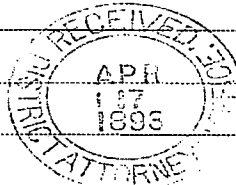
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 1000 to answer

Call

Call



**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against  
*Max Heblisch*  
and  
*Philip Niederhafer*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Max Heblisch and Philip Niederhafer*  
of the CRIME OF BURGLARY in the *first* degree, committed as follows:

The said

*Max Heblisch and Philip Niederhafer*, both  
late of the *17th* Ward of the City of New York, in the County of New York aforesaid, on the  
*fourteenth* day of *April* in the year of our Lord one  
thousand eight hundred and ninety-*three* in the *night* time of the same day, at the  
Ward, City and County aforesaid, the dwelling house of one *Gottlieb Sacher*

there situate, feloniously and burglariously did break into and enter, there being then and there a  
human being within the said dwelling house, with intent to commit some crime therein, to wit: the  
goods, chattels and personal property of the said *Gottlieb Sacher*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,  
take and carry away, *the said Max Heblisch and*  
*Philip Niederhafer*, and each of them, being  
then and there assisted by a confederate  
*actually present, to wit: each by the other;*

against the form of the statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

## SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said  
*Max Heblisch and Philip Niederhager*  
 of the CRIME OF *Grand LARCENY in the first degree*, committed as follows:  
 The said *Max Heblisch and Philip Niederhager, both*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
 at the Ward, City and County aforesaid, in the *night*-time of the said day, with force and arms,

*the sum of forty-five dollars in money, lawful money of the United States of America, and of the value of forty-five dollars, divers articles of clothing and wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of forty dollars, ten gallons of whiskey of the value of two dollars each gallon, two hundred cigars of the value of five cents each, twenty knives of the value of fifty cents each and twenty forks of the value of fifty cents each*  
 of the goods, chattels and personal property of one *Gottlieb Saehr*

in the dwelling house of the said

*Gottlieb Saehr* —

there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*Reuben Nicoll,*  
*District Attorney*

0663

**BOX:**  
518

**FOLDER:**  
4720

**DESCRIPTION:**

Heblich, Max

**DATE:**  
04/18/93



4720

0664

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Hofmann, Frederick

**DATE:**

04/18/93



4720



0665

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Stofft, Frederick

**DATE:**

04/18/93



4720

0666

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Engel, Nicholas

**DATE:**

04/18/93



4720

Witnesses:

*Off. Berach*

*Reinhardt*

*Off. H. G. H. H. H.*

Counsel,

Filed

Pleads,

18<sup>th</sup> day of April 1893

THE PEOPLE

vs.

*Max Heblach*  
*(Laws)*

*Frederick Hofmann*

*Frederick Stoffer*

*Nicholas Engel*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*David Dupin*

Foreman.

*April 19 93*

*Lee*

*Henry D. D. D.*

*all*

*Ed. R. R. R.*

*April 19 93*

*21*

0667

0668

Police Court— 3 District.City and County } ss.:  
of New York,of No. 202 East 60 Street, aged 20 years,  
occupation Brookkeeper being duly sworndeposes and says, that the premises No. 173 Avenue Street, 17 Ward  
in the City and County aforesaid the said being a three story brick  
dwelling, basement floor of  
which was occupied by deponent as a wholesale liquor  
~~and in which there was at the time a human being, by name~~were **BURGLARIOUSLY** entered by means of forciblybreaking  
a light of glass in the window  
reopening the latch and lowering  
the windowon the 13th day of April 1888 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:A quantity of liquors and  
wines of the value of about  
fifty dollars.\$50 00  
100the property of E. Becker & Company and in deponent's care  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
**BURGLARY** was committed and the aforesaid property taken, stolen and carried away by  
Max Heblach, Fred Hoffman, Fred Hoffmann  
Nicholas Engel (all nowhere)

for the reasons following, to wit:

that deponent discovered  
the break and entry as aforesaid  
and the said property feloniously  
taken stolen and carried away  
and caused the arrest of the  
defendants when they all  
acknowledge and confessed  
that while together and  
acting in concert with each

other had burglariously entered the  
 said premises as aforesaid and  
 had feloniously taken stolen and  
 carried away the said property  
 sum to wit \$1000  
 the 14 day of April 1893 } x Mark

Charles N Linton

Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
 committed, and that there is sufficient cause to believe the within named  
 guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
 Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
 of the City of New York, until he give such bail.  
 Dated 1888  
 Police Justice.

I have admitted the above named  
 to bail to answer by the undertaking hereto annexed.  
 Dated 1888  
 Police Justice.

There being no sufficient cause to believe the within named  
 guilty of the offence mentioned, I order he to be discharged.  
 Dated 1888  
 Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
 on the complaint of

Offence—BURGLARY.

vs.

1  
 2  
 3  
 4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.



0670

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Max Hebllich*

being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name.

Answer. *Max Hebllich*

Question. How old are you?

Answer. *17 years.*

Question. Where were you born?

Answer. *New York*

Question. Where do you live, and how long have you resided there?

Answer. *414 East 5th St. 17 years.*

Question. What is your business or profession?

Answer. *Bottle Washer*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am guilty*

*Max Hebllich*

Taken before me this 1 day of Oct. 1893  
*Charles H. Schultz*  
Police Justice.

0671

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss

*Fred Hoffman* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name.

Answer.

*Fred Hoffman*

Question. How old are you?

Answer.

*18 years*

Question. Where were you born?

Answer.

*New York*

Question. Where do you live, and how long have you resided there?

Answer.

*308 Floyd St Bklyn N.Y. 3 years*

Question. What is your business or profession?

Answer.

*Printer*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am guilty*

*Frederick Hoffman*

Taken before me this

day of

*April 1897*

Police Justice.

0672

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Fred. Stofft* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name.

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live, and how long have you resided there?

Answer.

Question. What is your business or profession?

Answer.

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am guilty*  
*Fred. Stofft*

Taken before me this

day of

1895

*Charles J. Smith*

Police Justice.

0673

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

*Nicholas Engel* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name.

Answer.

*Nicholas Engel*

Question. How old are you?

Answer.

*17 years.*

Question. Where were you born?

Answer.

*Brooklyn*

Question. Where do you live, and how long have you resided there?

Answer.

*243 Troutman St. Bklyn & 3 years*

Question. What is your business or profession?

Answer.

*Cabinet Maker*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am guilty -  
M.  
Nick Engel.*

Taken before me this

day of

1888

*Charles H. Hunter*

Police Justice.

0674

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated Apr 14 1888 Charles W. Taintor Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
guilty of the offence within mentioned, I order he to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0675

Police Court

3

District.

418

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James Bock*  
*202 E. 60th*

*Max Heblach*  
*Fred Hoffman*  
*Fred Slopas*  
*Nicholas Engel*

*Offence*  
*Burglary*

BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated *April 14* 18*93*

*Samuel* Magistrate  
*Bernard Mullin* Officer.

*14* Precinct.

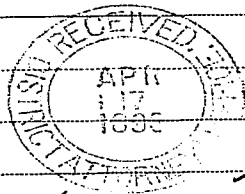
Witnesses *Call Officer*

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *1000* to answer



*Law*  
*Burg 3*  
*922*

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Max Heblisch, Frederick  
Hofmann, Frederick Stofft  
and Nicholas Engel*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Max Heblisch, Frederick Hofmann,  
Frederick Stofft and Nicholas Engel*

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said *Max Heblisch, Frederick Hofmann,  
Frederick Stofft and Nicholas Engel*, all

late of the *17<sup>th</sup>* Ward of the City of New York, in the County of New York aforesaid, on the  
*thirteenth* day of *April* — in the year of our Lord one  
thousand eight hundred and ninety- *three*, with force and arms, in the *night* time  
of the same day, at the Ward, City and County aforesaid, ~~the dwelling house of one~~ *a*  
*certain building there situate, to wit:*  
*the building of one Emil Becker* —

there situate, feloniously and burglariously did break into and enter, with intent to commit some  
crime therein, to wit: with intent the goods, chattels and personal property of the said *Emil*  
*Becker* — in the said ~~dwelling house~~ *building* then and there being, then and there  
feloniously and burglariously to steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York and  
their dignity.

## SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse, the said

*Max Hebluck, Frederick Hofmann,  
Frederick Stofft and Nicholas Engel*

of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:

The said *Max Hebluck, Frederick Hofmann,  
Frederick Stofft and Nicholas Engel*, all

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *night*—time of said day, with force and arms,

*ten gallons of wine of the value  
of three dollars each gallon and  
fifteen gallons of liquor of the  
value of two dollars each gallon*

of the goods, chattels and personal property of one *Emil Becker*

*in the building*  
in the dwelling house of the said *Emil Becker*

*in the building*  
there situate, then and there being found, ~~from the dwelling house~~ aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Lancey Nicoll  
District Attorney*

0678

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Held, Abram

**DATE:**

04/10/93



4720

Witnesses:

*W. J. Chandler*

Counsel,

Filed

day of

*April 1893*

Pleades

*Myself*

THE PEOPLE

vs.

*Abram Held*

*W. J. Chandler*

*april 19* DE LANCEY NICOLL,

District Attorney.

*Old days*

A TRUE BILL.

*W. J. Chandler*

Foreman.

*April 19 93*

*Pleades Myself*

*Elmira Ref*

*April 19 93*

*Burglary in the Third Degree. Section 498, N.Y. Code, 1880.*



# New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

*Abraham Held*

*As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.*

*I have known the defendant for six months we live on the same floor of the same house and I cannot understand what bad influence caused the boy to commit the deed for he is an honest boy and a good boy and I fear that the infliction of more punishment than he has already received will crush his spirit, and I sincerely believe that it will be better for the boy to give him one more chance.*

*I would never have made the complaint against him if I had had time to think but it was all done in a few moments and I was angry at the loss of my tools*

*David Little*

Police Court 4<sup>th</sup> District.

City and County } ss.:  
of New York.

of No. 67 West End Avenue David Little Street, aged 48 years,  
occupation Steam heating being duly sworn  
deposes and says, that the premises No. 67 West End Avenue Street, 4<sup>th</sup> Ward  
in the City and County aforesaid the said being a four story brick  
dwelling house  
and which was occupied by deponent as a  
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly unscrewing  
the hinges from off a door; leading  
into the cellar of said premises

on the 3<sup>rd</sup> day of April 1883 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

A number of Steam filters tools -  
value at about fifty - dollars

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
**BURGLARY** was committed and the aforesaid property taken, stolen and carried away by

Abram Held

for the reasons following, to wit: that at about the hour of  
2 P. M. on said date; deponent caught  
the said defendant with the said  
property in his possession.

Defendant after being inform-  
ed of his rights confessed his own guilt  
with taking and stealing said  
property -

David Little

This is true to the best of my knowledge and belief  
Subscribed and sworn to before me  
this 3 day of April 1883  
Justice of the Peace

0682

Sec. 198-200.

1882  
District Police Court.

City and County of New York, ss:

*Abram Held* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is h } right to make a statement in relation to the charge against h } ; that the statement is designed to enable h } , if he see fit, to answer the charge and explain the facts alleged against h } ; that he is at liberty to waive making a statement, and that h } waiver cannot be used against h } on the trial.

Question. What is your name?

Answer.

*Abram Held*

Question. How old are you?

Answer.

*20 years*

Question. Where were you born?

Answer.

*New York*

Question. Where do you live, and how long have you resided there?

Answer.

*67 West End Ave, six months.*

Question. What is your business or profession?

Answer.

*Labrer*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer.

*I am Guilty.**Abram Held*

Taken before me this

day of

1891

Police Justice.

*Abram Held*

0683

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

DeLeonard  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Apr 3 1893 - Corcoran Police Justice.

I have admitted the above-named  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named  
guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0684

Police Court---

District

THE PEOPLE, &c.  
ON THE COMPLAINT OF

David Little  
67 West 62nd St  
Abram Eld

Offense

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated, April 3 1893

Mcadr Magistrate.

Remad Officer.

24 1/2 Precinct.

Witnesses

No. 120 Street.

No. 96 Street.

No. 1000 Street.

\$1000 to answer.

CO.

1912



**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Abram Held*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Abram Held*

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

*Abram Held*

late of the *2<sup>nd</sup>* Ward of the City of New York, in the County of New York aforesaid, on the  
*third* day of *April* in the year of our Lord one  
thousand eight hundred and ninety-*three*, with force and arms, in the *day* - time  
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

*David Little*

there situate, feloniously and burglariously did break into and enter, with intent to commit some  
crime therein, to wit: with intent the goods, chattels and personal property of the said *David*  
*Little* in the said dwelling house then and there being, then and there  
feloniously and burglariously to steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York and  
their dignity.

## SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse, the said

*Abram Held*  
 of the CRIME OF *Grand* LARCENY in the second degree committed as follows:

The said *Abram Held*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
 at the Ward, City and County aforesaid, in the *day* — time of said day, with force and arms,

*diverse steam-fitters tools of a  
 number and description to the  
 Grand Jury aforesaid unknown,  
 of the value of fifty dollars*

of the goods, chattels and personal property of one *David Little*

in the dwelling house of the said

*David Little*

there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Lancey Nicoll,  
 District Attorney*

0687

**BOX:**

**518**

**FOLDER:**

**4720**

**DESCRIPTION:**

**Helman, Philip**

**DATE:**

**04/05/93**



4720

Witnesses:

*De Lancey*

*You are Examination  
Meds - this came  
I know that the  
Defendant has returned  
the papers - I have  
his papers from  
a friend - I have the  
has been in the  
city from for  
months. I know  
of all these  
circumstances  
and I cannot  
be traced upon  
his own testimony  
R.H. Adams*

*58 311. Hubert  
William C. Hubert  
371. Hubert  
Counsel.  
Filed, 1893  
Pleads, 1893*

THE PEOPLE

*1*

*Philip Helman*

*Conduct*

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*David Dwyer  
1st 2nd April 1893  
on motion of the District  
Attorney defendant dis-  
charged on his verbal recog-  
nizance.*

*LARCENY, (MISAPPROPRIATION.)  
(Sections 528 and 53 / of the Penal Code.)*

# At a Court of Sessions.

holden in and for the County of Kings, in the Court House in the City of Brooklyn, on the 29<sup>th</sup> day of March in the year of our Lord one thousand eight hundred and ninety three.

Present:

The Honorable HENRY A. MOORE, County Judge of the County of Kings.

James F. Kelly

Jacques A. Stryker

} Justices of the Sessions of the County of Kings.

The People of the State of New York,

against

Philip Helman

This defendant having this day been arraigned for trial upon an indictment accusing him of the Crime of Grand Larceny in the second degree and a jury having been duly empaneled and sworn to try the same and the defendant being personally present at such trial and the Evidence for the People being had and received and the Court after hearing the same having discharged the jury from the further Consideration of the Case for the Reason that the Crime charged in this indictment was committed without the Jurisdiction of this Court but was committed within the County of New York State of New York and within the Jurisdiction of the Court of said County and did



0690

Further direct that said defendant be remanded to be disposed of according to law.

Now therefore it is Ordered by the Court that the said defendant Philip Helman be and he is hereby committed to the Custody of the Sheriff of the County of Kings to be by said Sheriff detained in the Common Jail of Kings County for not exceeding ten days to await a warrant from the proper officer of the County of New York for his arrest upon said Charge of Fraud Larceny and that upon the presentation of such warrant within the time aforesaid the said Sheriff deliver the said defendant pursuant to the Command of said warrant.

Attest & direct from the minutes  
Benjamin J. York

CLM

Kings County Court of Sessions.

THE PEOPLE OF THE STATE OF  
NEW YORK.

208

Philip Helman

EXTRACT FROM THE MINUTES.

State of New York, } ss.  
COUNTY OF KINGS,

of No. 159 Myrtle ave John Schmidt Street of the City of Brooklyn,  
being duly sworn, deposes and says, that on the 7<sup>th</sup> day of  
Feb 1893, at the said City of Brooklyn, in the County of Kings,

he gave 1 gold watch, 1 Howard Watch movement and 5 gold rings to one Phillip Helman in the store situated at 159 Myrtle ave to take home to repair. The said Phillip Helman took said goods away and agreed to return them to deponent in a few days, said Helman neglected to return said property to deponent though requested so to do by deponent. On Feb 23 and Feb 24, 1893 deponent went to New York and made a diligent search for said John Helman but was unable to find him. Deponent went to the store which had been kept by said Helman at 77 Division St. and to the place where said Helman was likely to be, but deponent could find no trace of him. Deponent therefore charges said John Helman with appropriating said articles to his own use with the intent to deprive the owner of the use and benefit of the same the property of deponent, said property being valued at \$65.

Wherefore, this deponent prays that he may be apprehended and dealt with according as the law directs.

Sworn to before me, this 27<sup>th</sup> day of Feb 1893

John J. Walsh John Schmidt  
Police Justice of the City of Brooklyn.

It appearing to me from the depositions of John Schmidt that the crime of Grand Larceny has been committed, and that there is reasonable ground to believe that said John Helman committed said crime, I hereby order that a warrant of arrest be issued for said John Helman for the crime complained of in said depositions.

Henry F. Haggerty  
Police Justice of the City of Brooklyn.

0692

1427

COUNTY OF NEW YORK, ss.:

In the Name of the People of the State of New York, To any Sheriff, Constable,  
Marshal or Policeman in this State, GREETING:

An indictment having been found on the 5<sup>th</sup> day of April  
1893, in the Court of General Sessions of the Peace of the County of  
New York, charging Philip Nelson

with the crime of Grand Larceny in the second degree

You are therefore Commanded forthwith to arrest the above named

Philip Nelson and bring him before that Court to answer the indictment; or  
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the  
City Prison of the City of New York.

City of New York, the 5<sup>th</sup> day of April 1893

By order of the Court,

John F. Carroll  
Clerk of Court.

0693

New York General Sessions of the Peace.

THE PEOPLE  
OF THE STATE OF NEW YORK,  
*against*

*Philip Nelson*

BENCH WARRANT FOR FELONY.

Issued *April 5<sup>th</sup>* 1893

*March* ..... 1893  
The within named defendant was  
arrested this day and brought to the  
Court of General Sessions by

*R. J. [Signature]*  
The officer executing this process will  
make his return to the Court forthwith.



0694

CLERK'S OFFICE, COURT OF SESSIONS,

ROOM No. 11,

KINGS COUNTY COURT HOUSE.

Brooklyn, March 29<sup>th</sup> 1893

Dear Sir

By direction of the Court of Sessions  
and pursuant to Section 405 code of crim-  
inal procedure I send you written copy  
order, as the notice required to be given by  
me by said section. The defendant in said  
order named is now in the jail of this County.

Respectfully

Remond J. York  
Clerk

To

Hon De laury Nichols

Dist Atty

N.Y. County



**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Philip Helman*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Philip Helman*  
of the CRIME OF *Grand* LARCENY, in the second degree, committed  
as follows:

The said

*Philip Helman*

late of the City of New York, in the County of New York aforesaid, on the *seventh*  
day of *February* in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the City and County aforesaid, being then and there the *agent*  
and bailee of *one John Schmidt*—

and as such *agent and bailee* then and there having in his  
possession, custody and control certain goods, chattels and personal property of the said

*John Schmidt*

the true owner thereof, to wit:

*one watch of the value*  
*of thirty dollars, one watch movement*  
*of the value of fifteen dollars, five*  
*finger rings of the value of eight*  
*dollars each;*

the said

*Philip Helman*

afterwards, to wit:

on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
did feloniously appropriate the said *goods, chattels*

*and personal property*

to his own use, with intent to deprive and defraud the said

*John Schmidt*

of the same, and of the use and benefit thereof; and the same goods, chattels and personal  
property of the said *John Schmidt*

did then and there and thereby feloniously steal, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and their  
dignity.

DE LANCEY NICOLL,  
District Attorney.

0696

**BOX:**

518

**FOLDER:**

4720

**DESCRIPTION:**

Hemminger, Rudolph

**DATE:**

04/07/93



4720

Witnesses:

Wm New

Counsel,

Filed

Day of

1893

Pleads,

THE PEOPLE

25  
vs.  
H. H. P. H. H. P.  
P. H. H. P.

Receiveth & Remuner

More

Assault in the First Degree, Etc.  
(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

26-4th St. N. E.

A TRUE BILL.

David Murphy  
Foreman.

Subscribed & sworn to before me this 10th day of May 1893.  
And committed to the custody of the Sheriff of the County of San Francisco for the purpose of executing the same.  
Ben J. P. B. J.

Subscribed & sworn to before me this 12th day of May 1893.

0698

Police Court—4—District.City and County } ss.:  
of New York, }

of No. 400 - East 48 Street, aged 33 years,  
 occupation carver being duly sworn  
 deposes and says, that on the 2 day of April 1883 at the City of New  
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Rudolph Henningsen  
who pointed aimed and discharged  
the contents of a  
gun at deponent and he did  
strike deponent in the head  
with the stem of said gun

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without  
 any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer  
 for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 3 day }  
 of April 1883 }

Wm. M. Mearns  
 Police Justice.

William New

0699

Sec. 198-200.

District Police Court.

1882

City and County of New York, ss:

*Rudolph Hemminger* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live, and how long have you resided there?

Answer.

Question. What is your business or profession?

Answer.

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer.

*I am not guilty -*  
*Rudolph Hemminger.*

Taken before me this

day of

189

Judge Justice.



0700

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named \_\_\_\_\_

*Refundant*  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Twenty* Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, *Sept 3* 189 *3* \_\_\_\_\_ Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

070

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Wm New*  
*400 E 48*  
*Rudolph Henning*

2  
3  
4

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, 189

Magistrate.

Officer.

Precinct.

Witnesses *Mrs Lena New*

No. *400 E 48* Street.

No. Street.

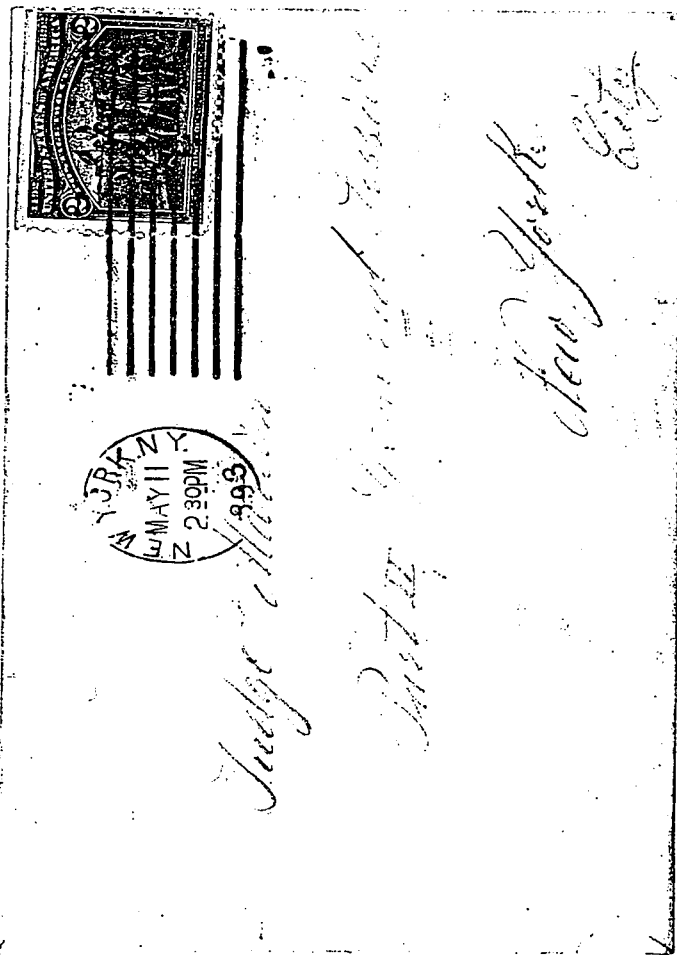
No. Street.

No. Street.

No. Street.

\$ *2000* to answer *A.S.*

0702



New York May 11<sup>th</sup> 1893.

Dear Sir:

Will you please be so kind and allow me, to address a few words at Your Honor. As you know the Jury found me guilty in the 3<sup>rd</sup> degree for assault and Battery, I think it was not right, because there was no investigation made, about my own and Mr. Lewis' Character, neither was there any investigation made in the house where the fight happened. I can prove that Mr. Lewis treated to shoot his wife at the rear house of No. 302 east 80 street, this city, with the same rifle, I was forced to use to protect myself, and that Mr. Schole the Landlord took the rifle of Mr. Lewis, stopping him from

doing any harm to Mr. Chew.  
 The Sanitors and neighbors of the  
 following houses can testify  
 that Mr. Chew has been  
 beating and threatening to  
 kill his wife very often, when  
 he was drunk. The number  
 of the houses are: 302 east  
 103rd St. and 331 east 48th St.  
 also the Sanitor of the house  
 No 400 east 48th St. were Mr. Chew  
 is now living.

Yours respectfully

Rudolf Hemminger.



## COURT OF GENERAL SESSIONS OF THE PEACE,

City and County of New York.

\*\*\*\*\*

T h e P e o p l e ,

vs.

RUDOLPH HEMMINGER.

\*\*\*\*\*

"

"

"

"

"

"

"

Before

HON. RANDOLPH B. MARTINE,

and a Jury.

Tried MAY 10TH, 1893.

Indicted for ASSAULT, in the First Degree.

Indictment filed APRIL 7TH, 1893.

-----  
APPEARANCES:

ASSISTANT DISTRICT ATTORNEY JOHN F. MCINTYRE,

For THE PEOPLE.

JOSEPH F. MOSS, ESQUIRE,

For THE DEFENCE.  
-----

WILLIAM NEW, THE COMPLAINANT, being duly sworn, testified that he lived at 400 East 48th street. He lived there on the 2nd of April, 1893. He was a meat carver. He knew the defendant, and had known him about a year. He lived on the third floor, and the defendant boarded with him. On the 2nd of April the defendant discharged a gun at him, and afterwards struck him. His, the complainant's wife had been in the defendant's room all day, drinking beer, and his wife went to him afterwards, and he told her that that must stop, that he would not have it. The defendant was not present when he, the complainant, spoke to his wife. His wife was in the defendant's room until supper time, when she came out to prepare supper for him, the complainant. He then went out and got something to drink himself. After supper his wife returned to the defendant's room, and remained there until about 10 o'clock. When she came out he, the complainant, said to her, "You ought to be ashamed to do that." The defendant's room was next to the one in which he, the complain-

ant, and his wife were; the door was open. He told his wife that it was a shame for her to stay in the defendant's room all the time, that the dishes from the dinner were not washed, and that his washing was not done yet, and that he had to go to work the next day, and he gave her "a laying out." She said that if, the complainant, did not like it she could stay in the defendant's room all night. He told her to try it, and she went in the defendant room and then came out again. He, the complainant, then told his wife that the defendant must leave the house. A shot was then fired. At that time the defendant was in his own room, and he, the complainant, did not whether or not the defendant fired the shot. He and his wife then turned around, and his wife said, "They are stupid." The defendant then came out of his room with the barrel of the gun in his hand, and struck him, the complainant, over the head with it, cutting his head. The officer took him, the complainant, to Bellevue Hospital. He, the complainant, went to the window and

called for the police. The defendant stood alongside of him at the window. The defendant hit him four or five times with the gun. The defendant hit him until there was nothing left of the gun; and the defendant also beat him. He, the complainant, then fell down, and grabbed a pair of scissors from the window-sill, with which he stabbed the defendant. He stabbed the defendant first in the foot, and then he drove the defendant back into his own room. After he came out of the defendant's room he saw the officers. The officer took him to the hospital, and had his wounds dressed.

In cross-examination the complainant testified that he had not been drinking all day, on the day in question, and was not intoxicated. He had drank some that day. He was not fighting with his wife all the afternoon. He was not beating his wife when the shot was fired. He did not see the defendant aim the gun. At the time the defendant hit him he did not have the scissors in his hand. He did not know how many times she cut the defendant

with the scissors. It was not a fact that he, the complainant, was beating his wife, that his wife called for protection, and that when the defendant came out of his room he, the complainant, attacked him with the scissors and the defendant struck him with the gun so as to knock the scissors out of his hand.

OFFICER PATRICK J. MULDOON, being duly sworn, testified that he was attached to the 23rd Police precinct. On the 2nd of April, 1893, he went to the premises 400 East 48th street. He heard the complainant calling for the police, about half past 12, and he and his side-partner went up there. He found the complainant standing in the middle of the room, with his head cut. He asked the complainant who did it, and the complainant said that the defendant did it. He, the witness, saw the defendant standing by the bed, and he saw him drop the gun out of his hand onto the bed, and he went into the room and got the gun. The complainant said that the defendant cut



him with having any reason for doing so. The defendant said to him, the witness, "I fired off the gun, in the bed, so as it would not shoot, and then I hit him over the head, because he was going to beat his wife." The gun was broken when he, the witness, saw it. The stock of the gun was laying on the floor. The defendant was cut in two places. He said that the complainant had cut him, with the scissors. He took the complainant and the defendant to the station house, and from there to the hospital. There were five stitches put in the complainant's head, and two put in his finger. The defendant was not dressed at all, there was no need of it at all, his wounds were not serious. On the way to the station house the defendant said that he got the gun to defend himself, that he knew the gun was loaded, and that he fired off the shot so that it would not injure anybody, and that he hit the complainant over the head with the gun.

FOR THE DEFENCE, LENA NEW, being duly sworn, testified that she

0711

7

was the wife of the complainant. She remembered the day that the defendant was arrested; it was Easter Sunday. Her husband had been fighting with her all day, because he didn't like the dinner; she didn't have any money to buy anything else. Her husband had slapped her a couple of times during the day. About half past 11 at night her husband started another fight with her. The defendant was in bed at the time. Her husband was drunk. He took a pair of scissors from the bureau, and wanted to cut her with them. She, the witness, called out to the defendant, "Rudolph, he has got the scissors now." The defendant came out of his bed-room and parted them. The defendant then went back to his bed-room, and she went right after him. Her husband then had the gun, and she did not know what he wanted to do with the gun. She then saw that the defendant had hold of the gun, and all at once it went off. Her husband went out and got the scissors and went at the defendant again. She, the witness, then went into the room again, to tell her

0712

8

husband to stop, and her husband said that he was going to kill her that night. She, the witness, then screamed out of the window for the police. Her husband also called for the police.

In cross-examination the witness testified that she and her husband had been disagreeing all that day, because her husband was drinking in the morning. Her husband did not say to her that she should not stay in the defendant's room all day. She was in the defendant's room about half an hour or an hour, and they had one pint of beer in there. She did not return to the defendant's room after supper. The dishes were washed before 10 o'clock. About three o'clock in the afternoon the defendant asked her to play a game of cards with him, in his room. She did not know what the game was, but they played it with buttons. When she went into the defendant's room her husband was asleep on the lounge. Her husband got up off the lounge and went into the defendant's room and showed her, the witness, how to play, as she did not understand the

game. She, the witness, then left the defendant's room, leaving her husband in there. She washed his jacket and shirts -- whatever he needed for Monday--and hung them around the stove so that they could dry. In about an hour her husband came out and started another fight with her. Her husband did not say that the defendant must leave the house; her husband said the defendant was a nice fellow, because the defendant had done a great deal for them. The defendant was a framer. The defendant did not grab the gun when the complainant went into his room; the complainant grabbed the gun first. She, the witness, did not know whether her husband intended to use the gun against her or against the defendant. There was no light in the room; it was dark. She, the witness, stepped out in her own room, and the gun went off. She did not know whether her husband or the defendant fired the gun; they were wrestling for the possession of it. The defendant was in bed from about 8 o'clock until the time that she called him out, about half past 11.

Her husband said, "With the scissors I am going to cut up your belly to-night." She then called the defendant. The gun was not discharged in her, the witness's, room; it was discharged in the defendant's room. The marks were on the bedstead. The gun had been cracked before the night in question. She had cracked the gun when she was moving, and nobody had noticed it. When her husband came out of the defendant's bed-room he had a scratch on his face.

RUDOLPH HEMMINGER, THE DEFENDANT, being duly sworn, testified, in his own behalf, that at the time of his arrest he was working at the framing business, at the corner of Rivington and Ludlow streets. He had been boarding with the complainant and his wife for about a year. He went to bed on the night in question about half past 7, and several times during the evening he called out to the complainant to stop fighting. The complainant answered that it was none of his business, and, at last, about half past



10 or 11 o'clock, the complainant said to his wife, "With these scissors I will slit up your belly and leave the guts out of you." The complainant then went after his wife. He, the defendant, heard the dishes in the closet rattling. He then went out of his room into the complainant's room, and separated the complainant and his wife; then he returned to his own room. He, the defendant, heard a noise about half a minute after he entered his room, and he turned around and saw the complainant taking up the gun. He took the gun from the complainant. He tried to take the cartridge out of the gun. It was a shot cartridge, about a quarter of an inch long, with a wooden top. He could not get the cartridge out, and he discharged the gun, over the bed. He did not discharge the gun at the complainant, and did not hit the complainant. The complainant then went into his own room, and got the scissors. He, the defendant, stood in the frame of the door, and the complainant stabbed him with the scissors, in the arm, in the leg, and in the head. The com-

plainant's wife pulled the complainant out of his, the defendant's, room, into their own room. He, the defendant, then had time to get up, and he took the gun and hit the complainant over the head with it. He was trying to knock the scissors out of the complainant's hand, and the gun glanced off and hit him on the head. The complainant then went to the window and called for the police. The complainant attacked him with the scissors first.

In cross-examination the defendant testified that the complainant had three rooms -- a kitchen and two bed-rooms. The wife of the complainant had been in his, the defendant's, room all day. He, the defendant, could not go out, because he had pawned his coat and vest a week before they moved. He proposed to the wife of the complainant that she play a game of cards with him. He first proposed playing phinocle, but she did not know how to play that. They played mill. They played for an hour or so, and then the complainant woke up and went into his, the defendant's, room

and played two games of cards. The complainant did not say, during the afternoon, that his, the defendant's, conduct was improper, and that he would have to leave the house. The reason he, the defendant, and the wife of the complainant played cards in his room, rather than in the kitchen, was because there was a little table in his room. He heard the complainant ask his wife to get his supper; at that time the complainant's wife was not in his, the defendant's room. The wife of the complainant owed him, the defendant, over \$60.00. Whenever she needed money he gave it to her. He had supported the complainant and his wife for nearly three months during the winter of 1892-3. The brother of the complainant's wife worked in the same place that he, the defendant, worked, and her brother used to board with them.

IN REBUTTAL, THE COMPLAINANT, being recalled, testified that he did not say anything on the night in question about cutting his wife's stomach open. He did not strike

his wife on that day. The defendant kept the gun in his trunk, and his trunk was locked. He, the complainant, did not go into the defendant's room and get the gun first. The defendant never had supported him and his wife. The defendant had not given his wife \$60.00, to his knowledge. He, the complainant, had been working steadily, and he had received \$50.00 from Europe, as a present, which he gave to his wife. He had been working in Earle's Hotel, corner of Center and Canal streets, subsequent to January 1893. He received \$9.00 a week. He played two games of cards with the defendant, about five o'clock on the day in question. He did not stab the defendant before the defendant hit him with the gun. He, the complainant, had drank five or six glasses of beer during the day; he was in the habit of drinking beer; he got beer where he worked. He did not have any trouble before the defendant boarded with them.

In cross-examination the complainant testified that all the trouble occurred in his rooms,

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and not in the defendant's room. In december, 1892, he, the complainant, was arrested for disorderly conduct, and fined \$5.00. His wife asked him to go to find her brother, and he found her brother and put him on a car. He then went to a store where he had a couple of packages, and he got into a fight and was arrested.



# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Rudolph Hemminger

The Grand Jury of the City and County of New York, by this indictment accuse

Rudolph Hemminger

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Rudolph Hemminger

late of the City of New York, in the County of New York aforesaid, on the second day of April in the year of our Lord one thousand eight hundred and ninety-three, with force and arms, at the City and County aforesaid, in and upon the body of one William Hew in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said William Hew a certain gun then and there loaded and charged with gunpowder and one leaden bullet, which the said Rudolph Hemminger in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge with intent him the said William Hew thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said

Rudolph Hemminger  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Rudolph Hemminger

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said William Hew in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against him the said William Hew a certain gun then and there charged and loaded with gunpowder and one leaden bullet, which the said

Rudolph Hemminger  
in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.